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THE INTERNATIONAL ASPECT OF THE MISSIONARY MOVEMENT IN CHINA

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PREFACE

The Missionary Movement in China has been beset with many difficulties of international significance. By reason of the insertion of the toleration articles in the treaties, Christianity has been attacked by the Chinese as a foreign religion with imperialistic designs, and its propagators, accordingly, have been looked upon as representatives of imperialistic powers. In other words, the movement is treated in China not so much as a religious or a social problem, but as an international political issue. As such it has, on various occasions, attracted the attention of the world. In recent years, with the rise of nationalism in China, the eyes of the world are again more and more turned towards the Missionary Movement in China.

The purpose of this book is to present the international aspect of the movement in an objective manner. I have to say, however, that in the course of study, I was somewhat handicapped in securing adequate materials of recent events. As a remedy to this short-coming I refer the reader to Dr. Frank Rawlinson's *Revolution And Religion in Modern China,* which is still in press. Another point to be noted is that I had completed my study before Dr. Kenneth Scott Latourette's scholarly work, *A History of Christian Missions in China,* was published

Dr. Latourette has dealt with the subject historically, whereas I have treated it topically and have emphasized its legal and political aspects.

To Professor W. W. Willoughby, under whose guidance this study was undertaken, grateful acknowledgment is here made of kindly and constructive criticisms and of stimulating and unfailing inspiration. I also wish to express my thanks for the helpful suggestions of Professor Kenneth Scott Latourette, of Yale University, Dr. Frank Rawlinson, Editor of the Chinese Recorder, and Dr. James Hart, of Johns Hopkins University, who were so kind as to read the manuscript. For valuable assistance I am also indebted to Mr. Charles H. Fahs, Director of the Missionary Research Library, New York.

C. K. W.

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CHAPTER I

Legal Rights of Missionaries

GENERAL PRINCIPLES

Before going into the discussion of the special rights and privileges of missionaries in China, it will be necessary to outline briefly the general principles governing the legal status of nationals of one state residing or sojourning in another state.

As a general thing, the legal status of aliens is evolved from three sources. The first source is international custom and practice, as a result of international commercial intercourse, but apart from special treaty stipulations. It is well recognized by writers on international law that aliens enjoy a certain minimum of rights, which cannot be waived by treaties, much less abrogated or restricted by municipal legislation of the territorial government. In the words of Professor Edwin M. Borchard, who has given us an excellent treatment of the subject:[1]

> A stipulation in treaties or municipal statutes to the effect that the state is not responsible to aliens to any greater extent than to nationals has never prevented international claims where the minimum has been considered as violated, nor can the state's international obligations be avoided or reduced by provisions of municipal law, or by the fact that it violates the rights of its own citizens.

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[1] Edwin M. Borchard, Diplomatic Protection of Citizens Abroad, p. 39.

At this juncture, the question naturally arises: What is the criterion upon which the minimum of rights of aliens is determined? As yet, there is no definite standard, for, as is true with reference to other principles of international law, there are bound to be dissenting opinions among writers on international law, as well as among the foreign offices of the different states. However, two important rights of resident aliens are worthy of mention.

It is universally recognized that aliens once admitted to a state are entitled to equal protection by the laws in the same manner as the citizens or subjects of the territorial state. In the words of Professor Hershey, "a state is bound to furnish the same degree and kind of protection to foreigners and provide the same means of redress or measure of justice that it grants to its own nationals."[2] The other important right of aliens is that, if the rights of an alien are infringed without proper redress in the territorial state, he can appeal to the diplomatic protection of his own government. But, generally speaking, only when the rights are violated *without proper redress* is the right to appeal to diplomatic protection justified. Before resorting to diplomatic interposition the injured alien should, therefore, in the first instance, have recourse to the local or territorial tribunals of the district in which he is domiciled.

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[2] Amos S. Hershey, "Denial of Justice" in the Proceedings of the American Society of International Law, 1927, p. 27.

In Chapter II we shall discuss more fully these two rights of aliens. Suffice it to say here that they may be rightly called the bulwark of rights of aliens whereby other rights are protected from the arbitrary actions of the territorial state. They are necessary for international relations, for, without them, the person and property of aliens would be at the mercy of arbitrary or even tyrannical actions of the territorial state.

The second source of legal rights of aliens is municipal legislation of the territorial state. These rights fall within two categories: civil rights and political rights. These two terms are, however, uncertain in their definitions. As regards civil rights, Professor Borchard has the following to say:[3]

> A number of continental publicists distinguish between these civil rights which belong to all men regardless of nationality, derived from natural law or universally acknowledged as the common law of civilized peoples (the *jus gentium* of the Romans), and those which exist only by express provision of the legislation. This distinction is now admitted to be not only theoretical and difficult but fallacious, and to the Anglo-American mind appears useless. Other writers consider as civil rights those only which have been granted by the legislature, such other rights as are enjoyed by aliens being regarded as natural and not civil rights. Again, the term has been interpreted as meaning private rights or those sanctioned by private law, regulating the legal relations between individual and individual, as distinguished from public rights or those governed by public law, regulating the reciprocal re-

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[3] Borchard, op. cit., p. 70.

lations between individuals and the state or of states among themselves. In its broadest sense the term includes all rights not political.

Political rights are usually denied to aliens, although in some countries a limited amount of political rights are accorded to domiciled aliens. Generally speaking, political rights include the right to vote and hold office and all the rights incidental to nationality or citizenship.[4]

The third source of rights of aliens is in treaty agreements. Thus, for example, in Article II of the Treaty of July 3, 1902, between the United States and Spain, it is provided that[5]

> There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens and subjects of the two high contracting parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories, saving always the right of expulsion which each government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the country or the citizens or subjects of the most favored nation.
>
> They can freely exercise their industry or their business, as well wholesale as retail, without being subjected as to their persons or their property, to any taxes, general or local, imposts or conditions whatsoever, other or more onerous than those which are imposed or may be imposed upon the citizens or subjects of the country or the citizens or subjects of the most favored nation.

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[4] Strictly speaking, many political rights are not necessarily attached to citizenship.

[5] Cf. G. G. Wilson, International Law, p. 137.

It is, however, understood that these provisions are not intended to annul or prevent, or constitute any exception from the laws, ordinances and special regulations respecting taxation, commerce, health, police, and public security, in force or hereafter made in the respective countries and applying to foreigners in general.

Having considered briefly the sources of the legal rights of nationals of one state residing in another state, we shall proceed to determine how far such principles are applied in China. There has been little, if any, legislation specifically conferring rights on aliens in China. It is true that many privileges, which are legally non-existent, have long been enjoyed by aliens in China, but they cannot claim such privileges as positive rights, for no local authorities could in any way limit or expand the provisions of the treaties. In fact, it is a rule of law in China that no promise of a local official can be binding upon the central Government, much less can the mere acquiesence of a subordinate official. At this juncture, it seems pertinent to point out that the sovereignty of a state is imprescriptible. In other words, sovereignty cannot be lost by mere lapse of time, as may property in land by private law. The imprescriptibility of sovereignty was stated in the French Constitution of 1791.[6] It is also generally recognized that it is implied in the principle of inalienability of sovereignty.[7] Therefore, it is correct to say that no right whatever can be established in China without express consent from the Chinese Government.

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[6] Tit. III. Art. I.

[7] James Wilford Garner, Introduction to Political Science, p. 250.

The main source of rights of aliens in China is, therefore, to be found in treaty agreements. Under unilateral treaties, usually exacted from China after she had been defeated in wars, aliens have enjoyed a set of specific rights. We are not, however, concerned with the treatment of the subject *in extenso.* Suffice it to mention but a few of these rights: (1) extraterritoriality; (2) foreign control of the administration of the maritime customs; (3) foreign control of certain portions of Chinese territory, that is, concessions and settlements; (4) the right to maintain troops and gun-boats in the territorial waters of China. It is pertinent to say a few words about extraterritoriality.

It is a principle of international law that, over the person and property of aliens within its territory, a state assumes complete jurisdiction. But China has been deprived of this right by treaties. In accordance with those treaties aliens[8] in China are not amenable to her jurisdiction. This is called the doctrine of extraterritoriality. It was first expressed in Article XIII of the so-called "General Resolutions" issued in pursuance of the Nanking Treaty between China and Great Britain. It reads as follows:[9]

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[8] States not entitled to extra-territorial rights are: Germany, Austria, Hungary, Russia, Persia, Belgium, Mexico, and those states which have recently concluded treaties with the Nationalist Government.

[9] Quoted by W. W. Willoughby, Foreign Rights and Interests in China, 2nd ed. II, 558-559.

> Whenever a British subject has reason to complain of a Chinese, he must first proceed to the Consulate and state his grievance. The Consul will thereupon inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese has reason to complain of a British subject, he shall no less listen to his complaint and endeavour to settle it in a friendly manner. . . . . If unfortunately any disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of a Chinese officer, that they may together examine into the merits of the case, and decide it equitably. Regarding the punishment of English criminals, the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force; and regarding the punishment of Chinese criminals, these will be tried and punished by their own laws, in the way provided for by the correspondence which took place at Nanking after the concluding of the peace.

Caleb Cushing was credited with having the doctrine of extraterritoriality for the first time embodied in China's treaties in explicit terms. It is hardly necessary to reproduce the extraterritorial provisions in the treaties. It is also self-evident that being subjects or citizens of the treaty powers, missionaries in China are entitled to the enjoyment of all rights granted by treaties to their fellow-nationals.

Inasmuch as some knowledge of the rule of construction of treaties and of the doctrine of the most-favored-nation is a prerequisite to an understanding of the legal rights of missionaries in China, let us first consider the application of the rule of construction of treaties, with special reference to the toleration articles in the treaties, from which articles the special rights of missionaries are derived.

In many respects, treaties bear a close analogy to contracts of municipal law. Hence, to a discussion of the rule of construction as applied to contracts of municipal law we first direct our attention.

It is a doctrine of public law that rights or privileges granted by a state to its citizens or private corporations must be strictly construed in favor of the state. Thus, the Supreme Court of the United States has declared:[10]

> The rule of construction in this class of cases is that it shall be most strongly against the corporation. Every reasonable doubt is to be resolved adversely. Nothing is to be taken as conceded but what is given in unmistakable terms, or by implication equally clear. The affirmative must be shown. Silence is negative, and doubt is fatal to the claim.

In another case [11] the Supreme Court observed the following rule which had been expounded by Sir William Scott:

> All grants of the Crown are to be strictly construed against its grantee, contrary to the usual policy of the law in the consideration of grants; and upon this just ground, that the prerogatives and right and emoluments of the Crown being conferred upon it for great purposes, and for the public use, it shall not be intended that such prerogatives, rights and emoluments are diminished by any grant, beyond what such grant by necessary and unavoidable construction shall take away.

If such a rule of construction is considered reasonable in intrepreting contracts in general, there is no reason why it should not be applied to grants made by a sovereign state to other states or to their citizens or subjects; for it is not to be assumed that any sovereign state desires to divest itself of its sovereign rights. In fact, it is a well-established rule of construction of treaties that grants of special rights or privileges should be strictly construed in favor of the grantors. As to this, opinions among the writers on international law are unanimous. Thus, Oppenheim, in his *Internatioanl Law,* maintains:[12]

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[10] Northwestern Fertilizer Co. v. Hyde Park, 97 U. S. 659.

[11] Charles W. Shively v. John Q. A. Bowlby, 152 U. S. I.

> The principle, *in dubio mitius,* must be applied in interpreting treaties. If, therefore, the meaning of a stipulation is ambiguous, that meaning is to be preferred which is less onerous for the party assuming an obligation, or which interferes less with the territorial and personal supremacy of a party, or involves less general restrictions upon the treaties.

George B. Davis, in his *International Law,* says:[13]

> Clauses inserted at the instance, or for the benefit, of one party, are strictly construed against the party in whose favor they were inserted. It is his fault if he has not expressed himself clearly.

Hall, in his standard work on *International Law,* says:[14]

> Whenever, or in so far as, a state does not contract itself out of its fundamental rights by express language a treaty must be so construed as to give effect to those rights. Thus, for example, no treaty can be taken to restrict by implication the exercise of rights of sovereignty or property or self-preservation. Any restriction of such rights must be effected in a clear and distinct manner.

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[12] Oppenheim, International Law, 3d. ed., I, 702.

[13] G. B. Davis, International Law (1887, N. Y.), p. 181.

[14] Hall, International Law, 6th ed., p. 331.

Such expressions of opinion as set forth in the preceding paragraph could be multiplied to a great length. The grant of religious toleration is a sovereign right. As such it must be expressly stipulated. Therefore, in the interpretation of the toleration clauses in the treaties nothing will be taken as granted. What special rights the missionaries possess must be looked for in the express words of the toleration clauses.

The next prerequisite to an understanding of the present subject is a knowledge of the principles of the most-favored-nation treatment. In the following paragraphs the writer will attempt to sketch the origin and nature of the principle, its various interpretations, and its application to China's treaties, with particular reference to the toleration clauses.

The practice of granting reciprocal favors has existed since the birth of international relations; for it is but natural for one state to grant favors to another state which, in turn, has to reciprocate with the same or similar favors. Not until the early part of the thirteenth century, however, did the clause *most-favored-nation* make its first appearance in treaties.[15]

Toward the close of the seventeenth century the clause was brought into extensive use. The development of the clause was attributed to a movement preeminently economic. In the words of Professor S. K. Hornbeck:[16]

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[15] S. K. Hornbeck, The Most-Favored-Nation Clause in Commercial Treaties (1910, Madison, Wisc.), p. 11.

[16] Ibid.

Previous to this time the number of nations engaged in international commerce, as regulated by treaties, was small. Trade was really carried on by the adventurous few, and was, as a rule, either sporadic or governed by monopolies. As world commerce increased in the fifteenth and sixteenth centuries, as England and Holland set themselves to compete with Spain and Portugal, and the French and Scandinavians commenced to dispute the supremacy of the Hanseatic League and the waning power of the Italian Republics, conditions were changed.

From the beginning of the seventeenth century, international trade increased by leaps and bounds. The political machinery was not far behind the economic. Each state wished to have a guarantee of the greatest possible advantages for its commerce and industry, and, in turn for the advantages which it gained, it had to give concessions. In order to establish the guarantees, treaties became necessary and frequent. In order to avoid repetition, a clause was framed which should refer back, embrace the conditions of the treaties already existing, and extend their provisions to the newly contracting states. This clause was that of the "most-favored-nation."

With the expansion of international trade in the succeeding centuries the clause has become an integral part of most commercial treaties. It is aptly characterized as the "corner-stone of all modern commercial treaties." In its simplest form it is stipulated between the contracting parties that any favor already granted or to be granted by one party to a third party shall be automatically extended to the other party.[17] The object of the clause is to safeguard agreements overlooked at the time of negotiation, to reduce the laborious task of repetition, to prevent undue discrimination, and to insure uniform and equal treatment in matters of commerce and navigation.

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[17] It is to be noted that at the beginning the extension of favors was made only to one or two specified states.

Although the sphere within which the most-favored-nation principle is applicable has not as yet been precisely determined, it is generally agreed among writers on international law that it extends to commerce, navigation, diplomatic and consular rights, and the general treatment of nationals.[18] The clause is " as broad as the basis of the treaty in which it is employed, and is intended to include all subjects which fall properly under the general heading or title of the formal agreement," excluding agreements of political nature. Other limitations of the operation of the clause are stated by Professor Hornbeck as follows:[19]

> It is not intended that the clause shall operate so as to affect the internal policy of the state; it applied solely to the treatment of foreign states, that is, to the relative treatment, of the citizens and the commerce of foreign states. It is not usually considered as comprehending special arrangements

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[18] According to Herod, the following matters are included: regulations governing importation, exportation, transit, trans-shipment, warehousing, customs, tariff, the rights of navigation (light anchorage, pileage, buoys, etc.), quarantine; transit charges on streams and canals; lying in of vessels in ports and basins; storage of merchandise in bonded warehouses; fisheries; rights or possession and transmission of movable or immovable goods; payment of, or exemption from imposts; extraordinary contributions, and forced levies, services in army or militia; conditions of nationality; the establishment of consulates, etc., etc.

[19] Hornbeck, op. cit., p. 17.

and reciprocity between nations, where on account of proximity or special circumstances, reason exists for relations which cannot be shared by the world at large. Special relations between a colony and the mother country are generally understood to be exempt from the operation of the clause. The term "most-favored-nation," is sometimes replaced by "most-favored-foreign-nation," though even where not so specified, that meaning is understood, as the contracting parties do not mean, for the purpose of the clause, that reciprocal relations between themselves and their colonies shall be considered as standards for most-favored-nation treatment.

In the wake of the frequent use of the clause in treaties came disagreement and irritation over what its precise meaning is and what the obligations attached to it are. Generally speaking, there are two different schools of interpretation as to this. The one expounded by Great Britain and generally accepted by the European states, asserts "that any commercial or non-political privilege granted by one state to another state may be claimed by other states who have been promised most-favored-nation treatment by the state granting the privilege, and this without regard to whether the state thus claiming the privilege makes or is in a position to return therefor a *quid pro quo* corresponding to that upon which the granting of the privilege in question was made."[20] The other, as until recently championed by the United States, insists that "other nations are not held entitled to the privileges granted by the contracting state unless those nations furnish the same consideration or make the same reciprocal concessions which the contracting states had furnished or made to each other." [21] It is of interest to note that in each case the economic policy of the state has determined the adoption of its respective doctrine. Thus, the unconditional doctrine is favored by free trade states, whereas the conditional doctrine is accepted by the protective tariff states. It is to be borne in mind, however, that, inasmuch as there is no international tribunal with a supreme and final authority to settle all the differences in the interpretation of the most-favored-nation clause, each state naturally interprets it to its own advantage.

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[20] W. W. Willoughby, op. cit., 2nd ed., II, 37.

Even before China entered into treaty relations with the other powers, the Chinese Government had never undertaken to discriminate against any group of aliens. Toward all aliens the Chinese Government maintained a policy of equal treatment, for it took no cognizance of the difference in nationalities. The principle of the most-favored-nation in China was first embodied in the Supplementary Treaty of 1843 with Great Britain. Article VIII of this treaty read: [22]

> The Emperor of China having been graciously pleased to grant to all foreign countries whose subjects, or citizens, have hitherto traded at Canton the privilege of restoring for purposes of trade to the other four ports of Foochow, Amoy, Ningpo, and Shanghai, on the same terms as the English,

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[21] Ibid.

[22] Customs' Treaties, I, 393.

> it is further agreed, that should the Emperor hereafter, from any cause whatever be pleased to grant additional privileges or immunities to any of the subjects or citizens of such foreign countries, the same privileges and immunities will be extended to and enjoyed by British subjects, but it is to be understood that demands or requests are not, on this plea, to be unnecessarily brought forward.

Since this time similar clauses have been inserted in treaties between China and the other powers. It may be noted that in some of the early treaties the clauses were both unilateral and unconditional. Thus, Article XL of the French Treaty of Tienstin (1858) provided:[23]

> It is to be understood that obligations not expressly agreed upon in the present convention shall not be imposed on the consuls or the consular agents, nor their nationals; while, as it has been stipulated, the French should enjoy the rights, privileges, immunities and guarantees that have been or shall be accorded by the Chinese Government to the other powers.

Now let us consider how far the doctrine of the most-favored-nation can be applied in the interpretation of the toleration clause. First we must recognize that the insertion of the toleration clauses in the treaties is anomalous. An ordinary commercial treaty does not contain such a clause. Too much emphasis cannot be laid upon the fact that only with the growth of international commerce did the most-favored-nation clause come into use, and that, therefore, its prime object has been to prevent undue discrimination and insure uniform treatment in commercial relations. Religious propagation is, to all intents and purposes, benevolent or spiritual, certainly not commercial in character. As already stated, it is a general principle that what is not expressly granted by China in treaties with foreign powers remains a part and parcel of her unyielded sovereignty. The right of religious propagation cannot, therefore, be inferred from the most-favored-nation principle. The writer is not unaware of the fact that the content of the toleration article in one treaty may be broader or narrower than that found in another treaty. It is, however, reasonable to concede that once toleration is granted to the missionaries of a treaty power, all the special privileges provided for in the toleration articles of other treaties should be extended to them.

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[23] Ibid., p. 834.

In 1905, the Japanese minister at Peking, Mr. Yasuya Uchida, demanded for the Japanese Buddhist missionaries in China the same rights as enjoyed or possessed by Christian missionaries by invoking the most favored nation clause[24] in the Japanese treaty of July 21, 1896. The Chinese Foreign office replied " that evangelism by Christian workers in China was expressly authorized by treaty, and that the clause cited by the Japanese minister referred only to privileges of a commercial nature, and had nothing to do with questions of missionary enterprise.''[25] Later, the Japanese government repeated the same demand, but the Chinese government was able to maintain its ground.[26]

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[24] Article XXV reads as follows: The Japanese Government and its subjects are hereby confirmed in all privileges, immunities, and advantages conferred on them by the treaty stipulation between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been or may be hereafter granted by His Majesty, the Emperor of China to the Government or subjects of any other nation. (Hertslets Treaties, I, p. 381).

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[25] Koo, The Legal Status of Aliens, pp. 289-290.

[26] On presenting the famous, or rather infamous, Twenty-One Demands to China, Japan in January, 1915 reiterated its previous requests. Thus Article VII of Group V reads: "China agrees that Japanese subjects shall have the right of missionary propaganda in China." In reply, the Chinese Government set forth the real difficulties in granting to the Japanese Buddhist missionaries similar privileges as those enjoyed by the Christian missionaries. Thus the Chinese Government observed: "The religions of the two countries are identical, and, therefore, the need for a missionary propaganda to be carried on in China by Japanese does not exist. The natural rivalry between Chinese and Japanese followers of the same faith would tend to create incessant disputes and friction. Whereas Western missionaries live apart from Chinese communities among which they labour, Japanese monks would live with the Chinese; and the similarity of their physical characteristics, their religious garb, and their habits of life, would render it impossible to distinguish them for purposes of affording the protection which the Japanese Government would require should be extended to them under the system of extraterritoriality now obtaining in China. Moreover, a general apprehension exists among the Chinese people that these peculiar conditions favoring conspiracies for political purposes might be taken advantage of by some unscrupulous Chinese." (Tyau, p. 186; China's official History of the Recent Sino-Japanese Treaties, p. 10). In the final treaty it is provided that the Japanese should have the right to build schools and churches in China. The Chinese interpret churches to mean Buddhist temples where Japanese in China may conduct their worship. It is deemed pertinent to point out that the final treaty has never been recognized to be binding upon China by the Nationalist Government, because it was exacted from China under duress.

Besides Japan, there are a number of nations in whose treaties with China the right of religious propagation is not granted. As a result of China's Declaration of War against Germany and Austria-Hungary, the right of religious propagation, formerly conceded in treaties, was abolished as far as the nationals of these powers were concerned. As regards the rights of German missions and missionaries in general, Article 438 of the Versailles Treaty reads as follows:[27]

> The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trusts appointed by or approved by the governments and composed of persons holding the faith of the Mission whose property is involved.
>
> The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the missions are conducted, will safeguard the interests of such missions.
>
> Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

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[27] MacMurray's Treaties, II, 1493.

Because of the injustice of the Shantung settlement provided for by the Versailles Treaty, China declined to sign it. She is, therefore, not obliged to take cognizance of the measures provided for by the Treaty of Versailles. In the Sino-German Agreement [28] of May 20, 1921, no mention is made of the religious establishments of the German missions and missionaries in China. But, in his letter dated May 20, 1921, Dr. W. W. Yen, Chinese Minister of Foreign Affairs, said, in part:

> The Chinese Government promises to give full protection to the peaceful undertakings of Germans in China, and agrees not to further sequestrate their properties except in accordance with the generally recognized principles of international law and the provisions of the laws of China.

From the above quoted statement it is clear that China has no intention of sequestrating the property of the German missions in China and that she is willing to allow them to resume their activities which were suspended during the war.

Russians in China formerly enjoyed the right of religious propagation. With the severance of diplomatic relations between China and Russia, as a result of the Russian Revolution in 1917, this right was abolished. In the Agreement of 1924 on General Principles there is no provision for religious propagation. Besides, the present Soviet Government is hostile to all missionary activities in China.

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[28] For the text of the agreement, see China Year Book, 1925, p. 783.

It is of interest to note that there are in China many missionaries who are citizens or subjects of foreign states maintaining no treaty relations with China. It is plain that they have no legal right whatever to propagate any religious faith in China. But, on account of the difficulty of distinguishing by sight the nationals of one western state from those of another, the Chinese Government has never attempted, in fact, to prohibit the nationals of non-treaty powers to exercise the right of religious propagation. At this juncture, a question may be raised as to the status of the missionaries from Canada, Australia, Ireland, and New Zealand. Since the Imperial Conference of 1926 the British self-governing Dominions have become independent sovereign states. As such, however, they have as yet maintained no treaty relations with China.

THE RIGHT TO PROPAGATE AND EMBRACE CHRISTIANITY

It is a well-recognized principle of international law that aliens are allowed to practise whatever faith they please, provided, of course, that their religious faith does not militate against the existence of the civil society or contravene the principle of morality on which the society rests. This principle of toleration was recognized by China in the Russian treaty of July 25, 1851, in which it was stipulated that the Chinese Government should in no case interfere with the exercise of religious rites of the Russians.[29]

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[29] Customs' Treaties, I, 74.

Article IV of the Burlingame Treaty of June 18, 1868 also provided "that citizens of the United States in China of every religious persuasion shall enjoy entire liberty of conscience, and shall be exempted from all disability of persecution on account of their religious faith or worship." [30] But, as previously noted, aliens are not entitled to propagate any foreign religion they please. The right of religious propagation must be specified in treaties.

The second article of the treaty of Nanking granted for the first time to aliens the right of trade and residence in five ports, to wit: Canton, Amoy, Foochow, Ningpo, and Shanghai.[31] But nothing therein could properly be construed as granting toleration for religious propagation. Two years later, the United States entered into a treaty with China, the treaty of Wang-hia, the seventeenth article of which stipulated that the citizens of the United States should be given the right to construct, *inter alia,* churches at any of the ports open to foreign commerce.[32] The French treaty of the same year contained a similar provision. These provisions granted to aliens in the five ports only "the opportunity to have houses in which they might conduct Christian worship." [33] To all intents and purposes they still had no legal rights whatever to propagate their faith and seek converts. The persecuting edicts of 1724 and later were still in force.[34]

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[30] Hertslet's China Treaties, I, 555-556.

[31] Ibid., pp. 7-8.

[32] Maritime Customs' Treaties, I, 683.

[33] Willoughby, II, 703.

In 1844, through the efforts of the French envoy, M. de Lagrene, the High Imperial Commissioner at Canton, Kiying, memorialized the throne, praying that " henceforth, all natives and foreigners without distinction, who learn and practice the religion of the Lord of Heaven, and do not excite trouble by improper conduct, be exempted from criminality."[35] In compliance with this memorial Emperor Tao-Kuang on December 28, 1844, issued a rescript granting religious toleration. This rescript applied, however, only to those persons who profess the religion of the Lord of Heaven, or Roman Catholics. The question immediately arose: Were Protestant missionaries and their converts also entitled to the same privileges? The French envoy was then asked to declare whether or not he had intended to include the Protestant Christians when he made the request of the High Imperial Commissioner. In consequence, he brought the subject again before Kiying, who on December 22, 1845, declared:

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[34] In the reign of Emperor Kanghi Roman Catholic missionaries in China were not only tolerated but also accorded imperial favors. But with the death of Emperor Kanghi in 1723 the Golden age of Christian missions in China was ended and the period of official persecutions ushered in. This new policy was adopted because of the interminable disputes concerning the Chinese rites among the Catholic missionaries of the various orders in China. As a consequence, the new emperor, Yungching, in 1724 promulgated the famous edict strictly forbidding the propagation of the Christian religion.

[35] Williams, II, 368-369; Chinese Rep. XIV, 195. Toleration was meant " immunity from punishment for those who doing well profess the religion of Heaven's Lord." It is to be remembered that prior to this edict Christianity was classed in the penal code with the heterodox and illicit sects.

> When the regulations for free trade were agreed upon, there was an article allowing the erection of churches at the five ports. The same privilege was to extend to all nations; there was to be no distinction. . . . . Now, with regard to the religion of the Lord of Heaven. . . . . no matter whether the crosses, pictures, and images be reverenced or be not reverenced. . . . . all who, acting well, practice it, ought to be held blameless. All the great western nations being placed on an equal footing, only let them by acting well practice their religion, and China will in no way prohibit or impede their so doing. Whether their customs be alike or unlike, certainly it is right that there should be no distinction and no obstruction.[35a]

On February 20, 1846, another imperial edict was promulgated which, while ordering the restitution of Catholic churches which had been demolished during the persecutions, also declared that, "if the local officers irregularly persecute and seize any of the professors of the religion of the Lord of Heaven, who are not bandits, upon all such the just penalties of law shall be meted out. . . . ."[36] Thus, these two imperial edicts automatically revoked the previous prohibitions against Christianity. It is, however, to be borne in mind that it was expressly stated in the above-mentioned rescripts that churches should be built only at the five ports opened for commercial intercourse, and that foreigners of every nation should be prohibited from going into the interior to propagate their religion.[37] It should also be borne in mind that toleration at that time was granted merely because it was deemed expedient to do so; it was simply an act of grace on the part of the Chinese Government.

[35a] Williams, II, 370.

[36] Ibid., p. 371.

The right of religious propagation was first specifically mentioned in the treaties of Tientsin. Thus, Article XXIX of the American treaty of June 18, 1858 reads as follows:[38]

> The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching man to do good, and to do to others as they would have others do to them. Hereafter, those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any persons, whether citizens of the United States or Chinese converts, who, according to these tenets, peacefully teach and practise the principles of Christianity shall in no case be interferred with or molested.

It is not necessary to reproduce the corresponding articles in the other Tientsin treaties, as they do not differ substantially from the above quoted article. In almost all treaties subsequently concluded between China and the western powers we find the toleration clause.

There is no denying the fact that these toleration articles[39] worked a stupendous change in the status of the missionaries and the Chinese Christians. Henceforth, China was deprived of the sovereign right to exercise religious intolerance. As Tyler Dennett puts it, " The Chinese were free to abstain from Christianity as from opium, but they were not free to prohibit them."[40]

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[37] In point of fact, the right of aliens to travel outside of the five points was not granted until 1858.

[38] Hertslet's China Treaties, I, 551.

[39] See Appendix A.

In order to appreciate the significance of the toleration article, we need to examine carefully the toleration article itself. At the outset, the meaning of the word " toleration " must be grasped. In Bouvior's Law Dictionary, the word toleration is defined in the following language: " In some countries, where religion is established by law, certain sects who do not agree with the established religion are nevertheless permitted to exist; and this permission is called toleration." Thus, it is clear that toleration is nothing more than permission granted to believers of religious faiths other than that established by law or generally held by the members of the body politic. However, this permission was not granted by China on her own accord; it was secured by treaties. Whatever may have been the method of obtaining it, it carries with it nothing more than the *freedom* on the part of the professors of the Christian religion to worship God according to the dictate of their consciences. The duty of non-persecution is directly imposed upon the Chinese Government and indirectly upon the Chinese people. Strictly speaking, therefore, if the Christians in China are persecuted without official connivance, the Chinese Government cannot be charged with violation of the toleration article, even though vicarious state responsibility would be incurred if no proper measures were taken to stop the persecution or to punish the perpetrators.

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[40] Tyler Dennett, Americans in Eastern Asia, p. 574.

It is of importance to note that the toleration article is only negative in effect, that is, forbearance on the part of the Chinese from using physical force or threats of force to coerce those who embrace the Christian religion. It imposes no obligation upon the Chinese Government to make positive concessions to the Chinese Christians. What is more, it does not secure for them all the rights and privileges of the ordinary Chinese. The Chinese Government has the unyielded sovereign right to prohibit the Chinese Christians from enjoying certain rights and privileges granted to the Chinese of other faiths. This cannot be rightly construed as a violation of the toleration clause. It may be a violation of the principle of equality, but that is a national, constitutional question.

THE RIGHT TO RESIDE AND HOLD PROPERTY IN THE INTERIOR

According to the provisions of the British and Russian treaties of Tientsin, missionaries, in common with aliens of other callings, were granted the right to travel in the interior. While traveling in the interior a missionary must provide himself with a passport, issued by a consulate or the legation of his nation and countersigned by the Chinese Foreign Office or the local authorities. Failure to bring a passport makes him liable to be sent back to the nearest consulate for punishment. In case the passport is lost, he must immediately apply for a new one. However, a missionary is at liberty to travel, without passport, in the neighborhood of the open ports, for a distance not exceeding 100 *li,* and for a time not exceeding five days. A duly issued traveling passport is valid for a period of one year, at the expiration of which it must be returned to the authorities who issued it. Failing to comply with this requirement, the bearer is deprived of the privilege of applying for a passport in the future. The Chinese authorities can refuse to visé passports for places in insurrection or unsafe for foreigners. While traveling in the interior under passport a missionary is entitled to protection, but he cannot demand *gratis* supplies from the local authorities. He is under no obligation to report his arrival on his way or to present his passport for examination, but, when demanded to do so by the local authorities, he is required to exhibit his passport.

There was no provision in the Tientsin treaties whatever granting missionaries the right to lease or purchase land, or to reside *permanently* in the interior. "The right to travel under passports in the interior carries with it, by fair and indeed necessary inference, the privilege of *temporary* residence there but would not justify any assertion of the right to rent or purchase premises for permanent occupation."[41]

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[41] Foreign Relations, 1882, p. 140.

At one time the definition of the words " in other places " in Article XII of the British Treaty of Tientsin was in dispute.[42] These words seem to have been inserted for the purpose of elasticity, because of the restrictions to which foreigners had previously been subjected in acquiring land in Canton. No such thought as the right of buying land and residing anywhere and everywhere in the country was present in the minds of either English or Chinese plenipotentiaries. Finally, it was settled by the British Government and construed to mean places contiguous to or in proximity to the open ports. Thus, Earl of Clarendon, in reply to the National Bible Society of Scotland in 1870 said: " Her Majesty's Government is not prepared to insist on any such extended construction of the term ' places ' in the XII Article, as is suggested by the memorialists. If the article was subject to be construed in that sense, the limitation of trade to certain specific ports would have been superfluous."[43]

Turning to the convention of October 25, 1860, between China and France, we find added to the sixth article a spurious clause in the Chinese version which reads as follows: " It is, in addition, permitted to French missionaries to rent and purchase land in all the provinces, and to erect buildings thereon at pleasure."[44] It is not definitely known how this clause came to be inserted in the Chinese version.[45] According to Dr. Wellington Koo, its spuriousness was not discovered for nearly a decade after the conclusion of the convention.[46] It was, however, expressly stipulated in the treaty that, in case of disagreement about the interpretation to be given the language, the French version should in all cases govern. Besides, France never claimed that it constituted a part of the treaty, neither did other powers invoke it under the most-favored-nation clause. Writing in 1886 Minister Denby said[47] that the United States ministers

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[42] Maritime Customs, I, 408.

[43] Parl, Papers, China (1871), p. 170.

[44] Foreign Relations, 1885, p. 149.

> almost universally held that even if the Chinese text is authoritative it must apply to a right which was in existence before it was adopted, thereby restoring to the French the right to return to the localities which they formerly occupied but conferring no new rights. The English Government distinctly adopted this construction, and declined in any event to avail itself of the right to adopt this clause under the favored nation clause, even if the right existed.

Whatever may have been the construction given to this spurious clause and the value attached to it, the Chinese Government partially assented to it in the so-called Berthemy Convention of 1865, the text of which has never been officially published, but to which the French, American, and Chinese diplomatic correspondence have sometimes referred.[48]

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[45] The spurious clause is believed to have been inserted by a French missionary, who was acting as an interpreter.

[46] Koo, Status of Aliens in China, p. 316.

[47] Foreign Relations, 1886, p. 95; for the opinion of other ministers and the State Department, see, Foreign Relations 1873, pt. 1, p. 119; 1875, pt. I, pp. 335, 398; 1881, p. 290; 1882, pp. 137, 140; 1886, p. 96; 1887, p. 161; 1888, pp. 220, 238, 266, 270, 301; 1893, p. 234.

The Protestant missionaries claimed the same privileges accorded to the Roman Catholic missionaries by this convention by invoking the most-favored-nation clause. But it would seem that a right provided for a convention which has not been publicly recognized has no force as far as concerns a third party.[49] Nevertheless, the Protestant missionaries did not restrict their activities to the open ports. They penetrated into the interior in defiance of the treaty provisions.

The American Government adopted a strict construction of treaty rights. Thus, in 1888, Minister Denby said:[50]

> . . . . If the foreigner can procure toleration in any locality and is suffered without objection to locate therein, he by degrees may acquire vested rights, which his own government and the Imperial Government also are bound to secure to him if attacked. If the foreigner is unable by tact and prudence to

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[48] It is also to be noted that it is not mentioned in the list furnished by France to the Secretary-General of the Washington Conference in pursuance of the Resolution of that conference, which provided that the Powers concerned should file " a list of all treaties, conventions, exchange of notes, or other international, agreements which they may have with China, which they deem to be still in force and upon which they may desire to rely." (Cf. Willoughby, Foreign Rights and Interests in China, 2d ed., pp. 707-708).

[49] Chinese Recorder, LVI, no. 11, p. 725.

[50] Foreign Relation, 1888, pt. I, pp. 271, 272. Secretary of State Hamilton Fish, in his instruction to Minister Low, says: " The treaty does not guarantee to missionaries a right to establish themselves in inland places."

> conciliate the natives so as to secure a permanent residence, he is not strictly entitled to demand either of his own government or the Imperial Government insistence on a claim which has no treaty basis.
>
> It is claimed, however, that the rights granted under the treaties have been enlarged by the usage and tolerance of the Chinese Government, and by special acts, whereby peculiar rights and privileges in certain localities have inured to certain foreigners, and under the favored nation clause for citizens of the United States.
>
> The government of the United States does not undertake to control its citizens in their selection of residence at home or abroad. They have the right to go where they please. They will, while traveling in foreign countries, be protected by the government.
>
> Should citizens of the United States locate in the interior of China, the government of the United States could not, as a matter of treaty stipulation, insist that they have the right to acquire real property, except in localities where this right has been accorded to citizens or subjects of other foreign powers.

In this last clause, exact equality should be insisted upon. . . . .

> It follows from what has been written that the citizens of the United States who undertake to settle in the interior must understand that they do so without positive treaty sanction. While governmental protection as to their person would follow them the world over, the government does not hold itself bound to assist them in the prosecution of any business or employment whose exercise in the given locality contravenes the usages or laws of China.

Neither did the British Government invoke the most-favored-nation clause. Thus, in his circular of September 20, 1870, Mr. Wade, British Minister at Peking, stated that, under treaty, the British missionary body had no right of residence in China distinct from the right of any other British subject; that the right of British subjects to residence could be exercised only at the treaty ports, or in their immediate vicinity; that, inasmuch as the consul was responsible for the control, and more or less for the protection of his port community, he was not at liberty to sanction permanent residence at points so distant or so isolated as to make it impossible to satisfy these obligations; but that it would be inexpedient that any position now occupied by the British mission inland should be precipitately abandoned.[51] The reason for the British Government's holding such a view was not that it really desired to adopt a strict construction, but that it feared injury might accrue to the British commercial relations in China if the missionaries, who were vigorously opposed to the British opium trade, were to be allowed to reside in the interior.

The question of the right of Protestant missionaries to reside and hold property in the interior was soon definitely settled. In 1896, the American minister at Peking sent a draft to the Tsungli Yamen, setting forth five measures for prevention of anti-missionary riots.[52] In the first measure it was proposed that the Chinese Government should issue a formal declaration recognizing that American missionaries have the right to reside in the interior. In answer to this proposition the Yamen declared that " this is provided for in the treaty. Imperial decrees have already been issued commanding that due protection be given to United States citizens residing in China."[53] " This is," said Minister Denby, " a valuable admission, as treaties, except the Berthemy Convention, are silent on the question of residence in the interior."[54]

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[51] Parl. Papers, China, no i (1871), p. 170.

[52] Foreign Relations, 1896, p. 62.

This admission shows the then usual ignorance of treaty provisions on the part of Chinese officials. However, a false interpretation or declaration of the Yamen should not be deemed binding upon itself forever. In the second measure of the draft it was proposed that the American missionaries should have the right to buy land in the interior, and that they should have all the privileges of the Berthemy Convention. To this proposition the Yamen replied that " while the treaties between the United States did not provide for this, still the American missionaries should be treated in this matter the same as the French missionaries."[55] It is clear, however, that this permission was granted as a matter of favor rather than as a matter of right, which favor could be withheld any time by the Chinese Government.

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[53] Ibid., 1897, p. 61. This is but one of many examples clearly showing that the Chinese officials were in ignorance of the treaty provisions. The right to travel, which was provided in the treaties, and the right to reside in the interior are two distinct rights.

[54] Ibid., p. 60.

[55] Ibid., 1897, p. 60.

Seeing that the privileges of the Berthemy Conventions were conceded to the American missionaries, Sir C. MacDonald, in his dispatch of March 17, 1898, to the Marquis of Salisbury, stated that the British missionaries also have the right to acquire property for the purpose of their mission in all parts of the Chinese Empire.[56]

Finally, in Article XIV of the Sino-American treaty of 1903, it was provided that missionary societies of the United States shall be given the permission to rent and lease in perpetuity, as the property of such societies, buildings, or land in all parts of the Empire for missionary purposes.[57] The importance of this provision can hardly be overestimated. In the words of Frank E. Hinckley,

> These new stipulations cover the principal missionary difficulties that have arisen since 1858, namely, the right to acquire real property in China. . . . It will be observed that the right of missionaries to reside in the interior is not included in this treaty. The omission may be ascribed to the fact that the privilege has long existed, the only restrictions upon it being made by the authorities in remote counties where friendliness may not yet have been manifested.[58]

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[56] Parl. Papers, China, No. 1 (1899), p. 60.

[57] Hertslet's Treaties, I, 575. It is to be noted that in the unratified Portuguese treaty of October 15, 1902, the right of the Portuguese to hold property in the interior was to be granted to Catholic Missions. (See Appendix A).

[58] Hinckley, American Consular Jurisdiction in the Orient, p. 120.

The omission may also be ascribed to the fact that the right of travel in the interior had been granted to the missionaries, and that, therefore, the right of residence was unnecessary, or to the fact that the Chinese negotiators were under the erroneous impression that the right of residence had been already provided for in the treaties. In any event, the cause for the omission is of little interest. The result is the same, that is, omission does in no way imply a legal right. As frequently stated, nothing is to be taken as conceded by China without affirmative provision in the treaties. Silence is negative. It was the fault or negligence of the American negotiators that the right of the missionaries to reside in the interior was not inserted in the treaty. As it is, missionaries still have no legal right of residence in the interior.

In this connection a question arises as to whether or not a " free lance " missionary, or one who is not connected with any church or mission, is entitled to the privilege to acquire and hold property in the interior of China. In answer to this question Secretary Root, in his instruction to Minister Rockhill, dated March 22, 1906, observed:[59]

> The department has carefully examined the history of the question of the right which American missionaries, as individuals, possess to acquire and hold property in the interior of China. This right must be sought in the various treaties of the United States with China, or it must be obtained indirectly by

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[59] Foreign Relations, 1906, p. 278.

> an application of the favored-nation clause. An examination of these treaties clearly shows such a right to be legally non-existent; but with respect to certain localities in China there is, nevertheless, an equitable or quasi-legal right based upon custom.
>
> Notwithstanding its adverse opinion on the question of the legal rights of our missionaries, as individuals, under our treaties with China, the department desires to recognize, and does not wish to weaken, any equitable or quasi-legal rights which may have arisen from the custom. . . . . The fact appears to be that in practice, foreigners, non-members as well as members of missionary bodies, have purchased land in many instances in all parts of China, and that the Chinese authorities have connived at, acquired in, and actually ratified so many such transactions that there is great force in the contention, often made by foreigners in China, that the treaty prohibition against foreigners buying land can no longer be urged in China. These purchases have been made by various railway, mining, and other enterprises; by foreign firms in the interior, for business purposes; and by foreign residents of all nationalities and occupations, for summer homes and for various other purposes.
>
> In meritorious cases, in which the circumstances were such as to give rise to no objection to other grounds that the unwillingness of China to consent to sales of land to Americans in the interior, this department would find great force in the argument that inasmuch as China, through her officials, has in numerous instances permitted the subjects of other nationalities to purchase land in certain localities in the interior, this Government may, with good reason, consider such purchases as precedents establishing the right of Americans, whether members or non-members of a missionary body, to make similar purchases.

Such an interpretation cannot be accepted without criticism. If the right of a free lance missionary to acquire and hold property in the interior is legally non-existent, mere custom cannot give validity to the claim that missionaries have an equitable or quasi-legal right. Neither can the most-favored-nation clause be invoked to justify it. We must not lose sight of the principle that what is not expressly conceded by China remains part of her unyielded sovereignty. In point of international law China can confiscate those properties that have been illegally conveyed to free lance missionaries. However, it is only equitable for China to make compensations for the confiscated properties; or, if China chooses, the free lance missionaries could be allowed to dispose of their properties for legal purposes.

MODES OF ACQUIRING PROPERTY [60]

In Article XII of the American treaty of 1858 it is provided that:

> The parties interested can fix rent by mutual and equitable agreement; the proprietors shall not demand an exhorbitant price, nor shall the local authorities interfere, unless there be some objection on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party shall conduct itself with justice and moderation.[61]

By the corresponding article (Article XII) of the British treaty of the same year it is provided that British subjects " Shall make their agreement for land or buildings they require at the rates prevailing among the people, equitably and without exaction on either side." [62]

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[60] In some provinces there were special regulations agreed upon between local authorities and missionaries for the purchase of land for missionary purposes. (Ya Chang Ta Chuan, LXXI, 41-42).

[61] Hertslet's China Treaties, I, 544.

One of the greatest obstacles encountered in acquiring land and in erecting buildings thereon by the foreigners was the superstition regarding *fung-shui,* or geomantic influences. The Chinese local authorities on several occasions insisted that the objection of even a single person in the locality would bar the local authority from determining the site for a building. The United States, however, protested against so narrow an interpretation of the treaty provision.[63] For example, the Chinese Bureau of Foreign Affairs at Nanking in a communication to the American consul dated February 11, 1893, requested that " henceforth when missionaries, or other citizens of the United States, desire to acquire land or houses, no matter where, they must first meet the gentry and elders of the place, and agree with them, and then report to the bureau of local officials for an official survey of the ground." [64] To this statement the American minister, Mr. Denby, in a note to the Secretary of State, said:

> This clause introduces a new element in the mode of acquiring land. Article XII of the Treaty of 1858 does not require that citizens of the United States desiring to purchase land

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[62] Ibid., p. 23.

[63] House Documents, 123, 33rd Congress, 1st Session, p. 78.

[64] Foreign Relations, 1893, p. 231.

shall submit the question to the decision of the gentry and elders. . . . . The clause above quoted from the communication of the Taotai is so distinctly antagonistic to the above quoted article of the treaty that I have directed Mr. Charles to notify the Taotai that it will not be acquiesced in or acted upon by this legation.[65]

Although it is not provided in the twelfth article of the American treaty of 1858 in so many words that American citizens desiring to purchase land shall submit the question to the decision of the gentry and elders of the locality, the communication of the Bureau of Foreign Affairs at Nanking was justified on ground of expediency. It is to be borne in mind that it is expressly provided that in case of objection on the part of the inhabitants respecting the place, the local authorities can interfere. Hence, with a view to warding off any unforeseen opposition on the part of the inhabitants it is politic that the gentry and elders of the place be advised of the purchase in advance.

Another thing to be borne in mind is that the legal fees to the officers for applying their seals shall be paid. " There is no standard form of deed used throughout China, and local requirements must be considered. It is important that boundaries be accurately defined, and the placing of boundary stones carefully attended to. . . . In many, if not all places, the ' upper deeds ', should accompany a new deed of transfer, or their absence should be explained in the new deeds."[66]

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[65] Ibid., p. 230.

It was a universal custom for the Protestant missionaries in the interior to take the legal title of the land in the name of a Chinese convert, who held the property in trust for the missionary society. By this means they acquired a considerable amount of inland property. The legality of this method was questioned. In private law, a trust created for the purpose of evading a rule of law is clearly illegal and void. In 1888, Minister Denby held a different view, for he maintained:

> The subject of trust is one of the most difficult. In China it seems to be usual with foreigners, in the interior at least, to have property conveyed to a trustee who executes, as a precaution, a declaration of trust to the *cestuy que trust,* which is not recorded. The plan is probably legal. But the better plan would, in my opinion, be to have the deed made to the head of the mission in trust for his society, or to the society direct.[67]

It was perfectly legitimate, however, for a Chinese missionary financially assisted by foreign missionaries to acquire land in his sole and unrestricted right.[68] But all these difficulties were finally removed when the privileges accorded to the Roman Catholic missionaries by the Berthemy Convention were secured for the Protestant missionaries and when the American treaty of 1903 was signed.

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[66] Quoted from Dr. W. L. Warnshuis' Memorandum on Missionary Property Titles in China, p. 4.

[67] Foreign Relations, 1888, p. 274.

[68] Foreign Relations, 1881, p. 308.

According to the original Berthemy Convention, it was provided that:

> Where property was to be sold to Catholic missionaries the title deed was to state the name of the seller or person executing the transfer, and was to set forth that the property was to be held in common by members of the local Catholic church; special mention was not to be made of any missionary or convert so as to leave no doubt that the ground still remained Chinese soil.[69]

The Tsungli Yamen in its instructions to the high provincial authorities reiterated and emphasized its view of the agreement as follows:[70]

> The practice of building churches in the interior dates back from a very early period. Missionaries, however, are after all, subjects of foreign nations; therefore if they desire to purchase land for the purpose of building mission chapels thereon, the title should only state the land is sold to become the public property of the local Catholic church. If foreigners, in violation of treaty, attempt to purchase property in the interior for private ownership, this shall continue to be prohibited as heretofore.

In instructing his subordinates concerning the observance of the arrangement, the Superintendent of the Customs of the North construed the abovementioned agreement to mean that any Chinese subject who sold his property to be used for missionary purposes should inform the local magistrate of his intention to sell and obtain his authorization in advance. Against this construction the French legation on several occasions lodged protestations with Tsungli Yamen. Finally, on April 12, 1894, M. Gerard, the French minister at Peking, renewed the request that a definite and unequivocable statement of the convention be made and communicated to the high provincial authorities.[71] In compliance with this request the Tsungli Yamen issued new instructions to the viceroys and governors of all the provinces as follows:[72]

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[69] H. Cordier, Histoire des Kelations de la Chine aver les puissances occidentales.

[70] Koo, p. 318.

> Hereafter, if French missionaries go to the interior of the country to purchase land and dwelling, the seller (insert the name) shall specify in the drawing up of the deed of sale that his property was sold to become part of the collective property of the Catholic mission of the place. It will be unnecessary to record the names of the missionary or of the Christians. The Catholic mission, after the execution of the deed, will pay the registration fee assessed by the law of China on the deeds of sale and at the same rate. The seller will not be bound to give notice to the local authorities of his intention to sell or to apply for a previous permit.

In a number of instances, missionaries sold to foreign merchants[73] the property that had been conveyed to them to become part of the collective property of the church of the place.[73a] Such an act was clearly illegal. In order, therefore, to prevent such violation in the future, the Wai-Wu-Pu in 1907 issued instructions to all the viceroys and governors of the provinces advising them

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[71] Ibid., p. 74.

[72] H. Cordier, Relations, I, 76.

[73] The transfer was usually for the purpose of summer residence.

[73a] In a few cases, mission property is leased to people for profit. For instance, under the Tientsin Treaty the French Catholic Mission in Canton received a large parcel of land and some buildings for the construction of its cathedral, foundling house, hospital, school and the lodging quarters of its missionaries. In the agreement it

> to warn their civil and military subordinates to take note that, in accordance with treaty stipulations concluded with the powers, all descriptions of foreign missionaries and missions who desire to purchase immovable properties outside the limits of the foreign settlements at the various treaty ports, exclusively for mission purposes, must insert the characters "kung tsan," or "public property," in their title deeds.[74]

The American Government found no objection to stamping the deeds with characters indicating that the land was to be held for mission purposes. Thus, in his dispatch, dated July 18, 1907, to the Secretary of State, Minister Rockhill said:[75]

> Kung ch'an means public *real* property, but no *government* property. Any piece of real estate owned by an organization, such as a guild, community, company, church, etc., is properly called kung ch'an. The missionaries shall have the property deeded to the missionary society or the native church, as they prefer, and the words "kung ch'an" will then be clearly understood as referring to the property of said society. The words used in the Chinese text of our last treaty are "sei chia chui kung ch'an"—i. e., "as the public property of the churches (church societies)" translated in the English text, "as the property of such societies" (Art. XIV). The words

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was, however, clearly stated that the ground should not be used for any other purpose. The mission has actually constructed high buildings thereon and rented them to the Chinese. There is now a demand from the Chinese for retrocession.

[74] U. S. For. Rel., 1907, I, 206.

[75] Ibid., pp. 207-208.

in the English text "for missionary purposes" are given in the Chinese text as "i. pei ch'uan chiao chih yung," which is an excellent translation, and should be applicable to purchases for mission purposes, whether made by missionary societies or by an individual unaffiliated missionary.

On August 29, 1907, the Prince of Ch'ing sent the Minister the following note:[76]

YOUR EXCELLENCY:

I have the honor to acknowledge the receipt of your excellency's note of August 27 with reference to the words (*pen ch'u*—local) in deeds to property purchased by American missionary societies. Your excellency in this note points out that the construction of the sentence in which this expression "*pen ch'u*" appears in the regulations call for a different reading than one which would make these words correspond with the similar expression (*ko Ch'u*—all parts) in the treaty. You state that you have no objection to the use of the words "*pen ch'u*" themselves, so long as it is clear that they do not qualify or restrict the words (chiao hui—missionary society); that the following phrases, for example would be quite satisfactory: (*mei kuo mou chiao hui tsai mou chou hsien pen ch'u ti-fang yung tsu chih kung ch'an*—public property in such and such locality of such and such department or district, leased in perpetuity to the . . . . American Missionary Society): and finally, that you hope instructions in accordance with the above will be sent to the various local authorities.

In reply I have the honor to state that in the expression as contained in the last dispatch of my board, viz; (*pen ch'u mei kuo chiao hui chih kung ch'an*—public property of the local missionary society), and the one contained in your excellency's reply, viz. (public property in such and such locality of such and such department or district, leased in perpetuity to the . . . . American Missionary Society), the idea is the same.

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[76] Ibid., p. 210.

My board therefore agrees to the use of your expression. Further instructions will be sent accordingly to the various local authorities directing them to order their subordinates to take note and act accordingly. It also becomes my duty to send this reply for your excellency's information.

A necessary dispatch.

(Seal of the Wai-Wu-Pu).

From the preceding paragraphs it is clear that only perpetual leases were legal, though the word purchase has been used indiscriminately; that the property was to be held by the missionary societies as such and for missionary purposes; and that the title deeds should be found to be in order and duly stamped by the local authorities. In 1911, the Chinese Foreign Office, after consulting with the foreign representatives at Peking, drew up a set of rules governing the acquisition of property by foreigners in the interior. These rules are summarized by Dr. Wellington Koo as follows:[77]

1. That property-owners shall be free to sell their property and the missions desiring to buy shall not coerce them to sell;
2. That the missions shall, before purchasing any property, consult the local officials and request them to make an official survey of the ground and ascertain the records;
3. That after the purchase is made, they shall apply to the authorities for a tax-deed;
4. That the property purchased shall always remain the property of the mission, and a tablet shall be erected to record its ownership;
5. That if the mission, after purchasing a property should sell it to Chinese, they are prohibited clandestinely to sell it to foreigners;

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[77] Koo, op. cit., pp. 333-334.

6. That the local authorities shall forbid the purchase of property in all cases where the property is purchased in the name of a mission, but not used for the purpose of the mission, or where it is to be used for foreign merchants for trading purposes.

In April, 1929, the Land Bureau of the Chinese Municipality of Greater Shanghai promulgated the following provisional regulations governing the lease and (or) purchase of land and houses in the interior of China by foreigners for religious purposes.

1. That foreign religious bodies be permitted to rent or purchase land or houses in the interior of China in the name of the religious bodies concerned to be used as churches, hospitals or schools, so long as they do not violate the terms of the treaty in existence between China and the foreign nations concerned.

2. That foreign religious bodies owning land or houses in the interior of China observe Chinese laws and pay the taxes accordingly.

3. That in a case of lease or purchase of land or houses in the interior of China by foreign religious bodies, a joint report to that effect be made by the purchaser and the seller to the authorities concerned.

4. That the Chinese authorities in the interior may disapprove a transaction wherein the foreign religious bodies purchase land or houses more than what is actually needed.

5. That the Chinese authorities concerned may prohibit foreign religious bodies from buying land or houses in the interior if such transactions are intended for financial or business purposes.

6. That foreign religious bodies which are already in occupation of land or houses make a report to the Chinese authorities concerned and that in the event of the land or

houses being purchased outright by such bodies, they are to be regarded as being on perpetual lease.

7. That the above provisional regulations come into force from the date of their promulgation.[77a]

It is not out of place here to state the law of real estate in extraterritorial courts. It is a fundamental as well as a necessary principle of all systems of jurisprudence that the *lex situs* should be applied in the determination of rights of realty. In other words, it is a universal rule of law that any title or interest in land or in other real estate can be acquired or lost only agreeably to the law of the place where the real property is situated. In the case of *MacDonald v. Anderson,* decided in 1904, Justice Bourne, speaking for the British Supreme Court for China, most clearly stated the principle as follows: [78]

> To apply the law of English realty to land under the sovereignty of China is to disregard the distinction between the real and personal statutes—a fundamental principle of Private International Law which can be traced back through the legal history of the Western world to the time of the Roman Republic, and which is as necessary today as ever. It is true that our extraterritorial rights in China are not rooted in the history of Western law, as are those in the Levant, for they are the creatures of the treaties with China, the earliest of which was ratified in 1842; but I think there is not doubt that the Order-in-Council from which the court derives its jurisdiction was framed on the long-established lines of an extraterritorial personal law. . . . The principle

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[77a] The China Press, Sunday, April 28, 1929.

[78] Hinckley, American Consular Jurisdiction in the Orient, pp. 250-253; W. W. Willoughby, II, 619.

that land and its incidents are subject to the *lex situs* is not arbitrary, but founded upon cogent considerations of justice and expediency—one of the most obvious is that contiguous plots of land should be subject to the same law in regard to such incidents as prescription and servitudes. The land of British subjects at Tientsin is often coterminous with that owned by Frenchmen, Germans and subjects of other Treaty Powers. If the home law of each proprietor is to apply to his land at Tientsin there will be different periods of limitation, prescription for servitudes, etc., according to the nationality of the owner for the time being. . . . . The same reasoning excludes the law of the owner's domicile.

THE RIGHT TO ENGAGE IN SECULAR WORK IN THE INTERIOR

The treaties are silent on the subject of the right of a missionary to engage in secular work in the interior. In 1897, W. W. Simpson, an American missionary, residing in Tao Cheo, Kansuh, inquired of the American minister at Peking for information on the question whether he could lawfully engage in agriculture, stock-raising, or trading, in order to be self-supporting while laboring as a missionary among the Thibetan border tribes. In his dispatch, dated February 3, 1897, to his government, Minister Denby said:[79]

This question is one of first impression in China. To my knowledge it has not been raised by the Chinese Government. The treaties originally permitted foreigners to reside at the open ports. They provided that the professors of the

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[79] Foreign Relations, 1897, pp. 105-107.

> Christian religion should not be harassed or persecuted on account of their faith. Under the Berthemy Convention the right to reside in the interior and to buy land for residential purposes was secured to missionaries. In no convention or treaty is anything said about the right to carry on by foreigners residing there any regular employment in the interior. In practice, however, it is a common thing for missionaries all over China to engage in many species of employments which are considered as aids or adjuncts to their religious and charitable work. They have printing establishments, book binderies, industrial schools, workshops, stores, dispensaries. They are doctors, colporteurs, newspaper correspondents; one of them living here lodges and boards strangers. All kinds of furniture is manufactured here and publicly sold by missionaries. Washing and sewing are done by missionaries. In fact, there is complete tolerance of all kinds of work. It is understood, however, that the profits of these various enterprises go to the general fund of the mission, and are used to promote religious purposes.
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> In answering Mr. Simpson, I have not been able to draw the line between pursuits there permitted and agriculture, stock-raising, and trading. Of course much would depend on the manner that such pursuits were carried on. The question of the right to engage in trade or commerce seems to depend entirely on tolerance. In the particular enterprise engaged in any locality is not prohibited by the officials and is allowed to be prosecuted without objection, it would finally be sanctioned by usage, and might be entitled to protection of the treaty powers.

This view was approved as discreet by the Acting Secretary of State, W. W. Rockhill, who said:[80]

> The residential Privilege embraces all normal uses to which the ground and its belongings can be applied. Residence upon

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[80] Ibid.

a tract of agricultural land presupposes the devotion of the soil to its natural use. The permitted purchase of such land carries with it the right to till it for the owner's support and advantage. Viewed in this light, the rights accompanying the ownership of a farm seem to be more unquestionably evident than the rights pertaining to the possession of a dwelling house, since the use of the latter as a factory or shop is not a positive necessity, such as is the raising of produce where farm lands are held.

This view of the American Government ignored the rule of construction as set forth at the beginning of this chapter. The Chinese negotiators certainly did not entertain such a view when they agreed to insert Article XIV in the treaty of 1903. What they had in mind was probably the right of acquiring land for erecting churches. In his excellent work on *The Legal Obligations Arising Out of Treaty Relations Between China and Other States,* Doctor M. T. Z. Tyau says:[81]

> Now such a situation is strangely anomalous. The right is legally "non-existent." It is only "an equitable or quasi-legal right based upon custom." The treaty powers cannot insist as of right that it should be tolerated by the local authorities. At the same time, "if the particular enterprise engaged in any locality is not prohibited by the officials and is allowed to be prosecuted without objection, it would finally be sanctioned by usage, and might be entitled to the protection of the treaty powers." We thus find the treaty powers themselves situated in an awkward position. Without serious loss of prestige to themselves they cannot compel China, by force of reason or law, to permit such a new departure from the treaties.

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[81] M. T. Z. Tyau, pp. 184-185.

But by lending their protection to their subjects, when a dispute in connection therewith should arise, they appear to the world as deliberately violating the treaties they are pledged to uphold.

THE STATUS OF CHINESE CHRISTIANS

Since the conclusion of the Tientsin Treaties the scope of toleration has been gradually enlarged by treaties, imperial edicts of the Ching dynasty, and the Provisional Constitution of the Republic.[82] Contrary to the belief of many foreigners, the Nationalist Government is very tolerant towards Christianity. From time to time declarations and orders have been issued by provincial governments as well as by the Central Government at Nanking granting religious freedom. The following order issued by the Nationalist Government in 1928 is indicative of the government's attitude:

> The Secretariat of the Government has received a letter from the Secretariat of the Central Executive Committee. The latter says: "Your letter stating that you presented to the Central Party Headquarters a copy of the bill handed to you by the Standing Committee and drafted by Messrs. Chang Tzu-kiang and Niu Yung-chien asking for the enforcement of religious freedom and the abolition of all slogans opposing Christianity and other religions, and the copy you made of the bill, have been received. The letter of the Central Political Council of the same import is also to hand. Now, the Central Political Council at the 93rd meeting held on May 13, 1927, passed a resolution at the request of Dr. David Z. T. Yui,

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[82] See bottom of p. 96.

and others of Shanghai and presented by Dr. C. C. Wu, for the protection of religious organizations, and asked the Nationalist Government to warn the people not to misinterpret anti-imperialism and not to utilize any force in the nature of anti-foreignism or anti-religion to oppress or infringe on the religious freedom of Chinese or foreigners. The attitude of the Party toward religious freedom is thus very clear, and all matters concerning religion may therefore be dealt with according to that resolution. There seems to be no necessity to discuss the question for a second time. Besides answering the Political Council, we take this opportunity to address this reply to you. On the strength of this letter, an order, accompanied with a copy of the bill, is hereby given that you and all of those under you are requested to take knowledge of the intents and purposes of the bill and of the letter and abide by them." [82a]

Chinese of every religious persuasion enjoy, then, entire liberty of conscience, and are exempted from all restriction or persecution on account of their religious faith or worship. Furthermore, the Chinese converts are still Chinese citizens. To all intents and purposes they are amenable to the Chinese laws and authorities; they have no extraterritorial rights whatever. In other words, the fact that a Chinese is a Christian does not in any way modify his legal status.[83]

[82a] The Chinese Recorder, May, 1928, pp. 326-327.

[83] Thus Sir Robert Hart said: "The convert does not cease to be a Chinese subject when he embraces Christianity; but like all other Chinese subjects, must continue to observe his country's laws and submit to his country's tribunals." (These from the Land of Sinim, p. 107.)

Some doubt has been entertained regarding Article X of the German treaty of 1861 which reads as follows:

> Die Behenner und Lehrer der christlichen Religion sollen in China volle Sicherheit fur ihre Personen, ihr Eigenthum und die Ausubrung ihrer Religions-Gebrauche geniessen.[84]

At first sight, it seems, according to this provision, that a Chinese, after being converted to Christianity is no longer amenable to the Chinese local jurisdiction. This construction is erroneous. This article is just like the other toleration articles in other treaties; it connotes nothing more than toleration of Christianity. Thus says H. B. Morse: "The German treaty, in its brevity, seems to remove the convert from the jurisdiction of his own laws and to extraterritorialize him; but is it for a moment to be supposed that this was the intention of the negotiators, even on the German side?"[85]

The view of the Chinese Government was unmistakable. Thus, in the circular of 1878 to the Chinese representatives abroad, the Tsungli Yamen reiterated its view as to the status of Chinese converts declaring that:[86]

> Among the Chinese converts there are some who look upon their being a Christian as protecting them from the consequences of breaking the laws of their own country, and refuse to observe the rules which are binding on their neighbors. This state of things China cannot tolerate or submit to. Under

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[84] Maritime Customs' Treaties, II, 121-197.
[85] Trade and Administration of China, p. 197.
[86] Foreign Relations, 1880, p. 179.

the extraterritorial clause foreigners are to be dealt with by their own national authorities; but, as regards Chinese subjects on Chinese soil, it is only the Chinese authorities who can deal with them, and Chinese subjects, whether Christians or not, to be accounted for good subjects, must render an exact obedience to the laws of China. If they offend against those laws, they must, one and all Christians and non-Christians alike, submit to be dealt with by their own native authorities, and the foreign missionary cannot be permitted to usurp the right of shielding them from the consequences of their act.

Again, in 1891, an imperial edict stated that “Though people become converts, they still remain Chinese subjects, and continue to be amenable to the jurisdiction of the local authorities.”[87]

Finally, the point was cleared up. In the fourteenth article of the American treaty of 1903 it was plainly stipulated that “converts and non-converts, being Chinese subjects, shall alike conform to the laws of China, and shall pay due respect to those in authority; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally.”[88]

Besides being free from persecution on account of their religion, the Chinese Christians are exempted from payment of taxes or levies for “The support of religious customs and practices contrary to their faith.'' At first this privilege was not secured by treaties; it was a favor voluntarily granted by the Chinese Government. Thus, through the interposition of the French minister in 1862, Prince Kung of the Tsungli Yamen issued an order exempting the Chinese converts to the Roman Catholic faith from contributing for the building and repairing of temples, idols, or for procession, plays, and the like. In cases where taxes and rates of a public nature were united with charges of the other kinds mentioned, it was the duty of the local authority to make a just division of the two kinds, civil and religious, and not to allow them to remain confused to the disadvantage of the Christians.

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[87] British and Foreign State Papers, XXCIV, 1141.

[88] Maritime Customs, I, 557.

Though primarily granted to Chinese converts to the Catholic faith, this privilege was often accorded to Chinese Protestants. However, there were many cases in which assessments for idolatrous celebrations were levied on Protestant converts. Hence, the Protestant missionaries regarded this as a great hardship. In 1867, the American missionaries in China wrote to Mr. Burlingame earnestly asking that, in the revision of the treaties with China, this subject be considered. But, in the Burlingame Treaty of 1868, this privilege was not granted. On June 3, 1881, Minister James B. Angell requested Prince Kung to secure by proclamation or by order to the high provincial authorities, the same protection in this matter to the Chinese converts to the Protestant faith as had been accorded to Roman Catholic converts.[89] In consequence, Prince Kung sent a communication to the high provincial authorities asking them to instruct their subordinates that the decree issued in 1862 was to apply alike to Roman Catholics and Protestant converts. It is to be remembered that this privilege of exemption from payment of taxes or levies was granted as a matter of grace on the part of the Chinese Government. However, in the treaty of 1903 it was clearly provided that the Chinese converts of every Christian sect should be exempted from taxes levied and contributions for the support of religious customs and practices contrary to their faith.[90]

THE RIGHT OF MISSION EDUCATION

Mission education in China constitutes an enterprise of great dimensions. But the question as to the legality of the establishment of mission schools in China has never been raised. To the knowledge of the writer, there is hardly any person who has attempted to make an inquiry into *the right of missionaries to establish schools for the education of the Chinese youths.* It is universally held, without argument, that it is perfectly legitimate for the missionaries to establish such schools. However, if such a right exists at all, it must be found somewhere in the treaties.

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[89] Foreign Relations, 1881, p. 272; Ya Chang Ta Chuan, LXXXI, 27-28.

[90] Maritime Customs, I, 557.

The first provision having any direct bearing on this point is found in Article XXII of the Sino-French treaty of 1844. It was there provided, *inter alia,* that the French should have the right to rent land for building schools in the ports open to foreign commerce. It is reasonably clear, however, that the purpose of the provision was to grant to aliens the opportunity to establish schools for the education of their own children in China and the opportunity for themselves to learn the Chinese language. It is simply inconceivable that they were granted by that provision the right to establish schools as a handmaid to religious propagation, which right had not then been granted. It is to be noted that, prior to 1842, foreigners were forbidden by imperial edicts to learn the Chinese language. It is therefore reasonable to assume that the provision in the French treaty which has been referred to automatically removed this prohibition. The right of renting land for building schools was also stipulated in Article XII of the Belgian treaty of November 2, 1865, and in Article IX of the Austria-Hungarian treaty of September 2, 1869. It is of interest to note that this right was provided in the same article as was the right of renting land for building houses, warehouses, churches, hospitals, and burial grounds. It is, therefore, beyond doubt that the permission to establish schools, like other permissions, was granted for the sole benefit of the aliens themselves.

The right of establishing schools received the most specific statement in Article VII of the Burlingame Treaty of 1866, which provides that "The citizens of the United States may freely establish schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and reciprocally Chinese subjects may enjoy the same privilege in the United States."[91] This provision contains, however, nothing more than what was granted in the French treaty. Nothing therein can be construed as justifying the establishment of schools by missionaries for the education of Chinese youths. If the provision had been intended to cover such right, express words would and should have been employed. As it is, the provision cannot be so stretched as to infringe upon the unyielded sovereign rights of China. For the same reason, the Chinese in the United States cannot establish schools for the purpose of imposing the Chinese civilization upon the youths of America in contradistinction to the American educational system or systems. In point of law, the Chinese in the United States are granted by Article VII of the Burlingame Treaty the right to establish schools, but only for the purpose of teaching the mother tongue.

At present the system of mission education has permeated the length and breadth of China. Even granting that the right of establishing mission schools is legally existent, such intensive cultural penetration is certainly in violation of the provision which clearly set forth that schools may be established by aliens only at the places where foreigners are *by treaty* permitted to reside. Thus, the enjoyment of the right is restricted to the ports opened by treaties. Legally speaking, therefore, schools cannot be established by missionaries in those places or ports which have been voluntarily opened by the Chinese Government, much less in the interior. As already stated, the right of missionaries to reside in the interior is not granted by treaties, even though they may claim an equitable or quasi-legal right based on local customs. Hence, it is clear that schools cannot be established in those places where missionaries are permitted by local authorities to reside.

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[91] Hertslet's China Treaties, I, 557.

Until recently the Chinese Government has never attempted to regulate the mission schools. As a rule, a mission school is conducted after the manner that is familiar to the founder or founders of the school. The result is obvious. Parallel to the Chinese Government educational system there exist in China different sets of educational systems. Some years ago, as the result of agitations against mission schools, the Ministry of Education of the Central Government of the Old Régime on several occasions promulgated somewhat drastic rules governing the registration of educational institutions supported by funds contributed by foreigners. On November

16, 1925, the following revised regulations were promulgated:[92]

> 1. Any institution of whatever grade established by funds contributed from foreigners, if it carries on its work according to the regulations governing various grades of institutions as promulgated by the Ministry of Education, will be allowed to make application for recognition at the office of the proper educational authorities of the Government according to the regulations as promulgated by the Ministry of Education concerning the application for recognition on the part of all educational institutions.
> 2. Such an institution should prefix to its official name the term "szu lih" (privately established).
> 3. The president or principal of such an institution should be a Chinese. If such a president or principal has hitherto been a foreigner then there must be a Chinese vice-president, who shall represent the institution in applying for recognition.
> 4. If the institution has a board of managers, more than half of the board must be Chinese.
> 5. The institution shall not have as its purpose the propagation of religion.
> 6. The curriculum of such an institution should conform to the standards set by the Ministry of Education. It shall not include religious courses among the required subjects.

At the request of Dr. Timothy Lew, the Minister of Education officially interpreted the fifth regulation in the following language:[93]

> In answering your petition for an interpretation of Clause 5 . . . . as to whether the clause emphasizes the aim of the

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[92] Willoughby, II, 722.

[93] Ibid.

school or whether it is inconsistent with the freedom of religious faith and of the propagation of religion, etc., our official answer is hereby given that Clause 5 of the said regulations as promulgated means that when an educational institution is established it should have as its aim the educational aim which is formulated and proclaimed by the ministry. It means that in the institution there should be no compulsion on any student to accept any religious faith or to attend any religious rites and ceremonies. It sets no limitations whatever upon liberty of religious faith and liberty of propagating religion.

The Nationalist Government has established similar regulations.[94]

We now come to the question as to whether or not the Chinese Government has the power to regulate mission schools. If the right to establish mission schools is not based on express provisions in the treaties, China unquestionably has the sovereign right either to compel the mission schools to register with the government, or to abolish them altogether. It is a principle of international law, as stated at the beginning of this Chapter, that a sovereign state does not lose its jurisdictional rights by prescription, though authorities admit that a territorial or proprietary right may be lost by the lapse of time.

Concede, for the sake of argument, that the missionaries have the right to establish schools in China for the education of the Chinese youths; still the Chinese Government has the sovereign right to regulate them, for it is within the police power of a sovereign government to regulate schools. It is a power that can never be contracted or bargained away. It cannot be surrendered by a sovereign power or irrevocably alienated in favor of foreign powers or their nationals. All treaty rights are granted in subordination to a prospective exercise of the police power within the State's territorial limits. As we shall see in another chapter, the principle of extraterritoriality does not mean that within the borders of China foreigners can violate with impunity the Chinese regulations and laws which are established for the welfare of China.

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[94] On August 29, 1929 a new set of regulations was promulgated.

At this juncture the question naturally arises as to what is meant by police power of a government. The writer is fully aware that it is difficult to render a satisfactory definition of it, for there exist differences of opinion as to the extent and boundaries of the power. However, it is unquestionable that it does extend to the preservation of good order, public morals and prosperity. Education is a means to that end; and it is considered a prime function of a modern government, a function that can no longer be left in private hands alone. By control of private education the government employs the right means for producing the required type of citizens. By way of illustration we may briefly consider public control of private schools in the United States.

By virtue of the 14th Amendment to the Federal Constitution of the United States, which amendment provides that "No state shall . . . . deprive any person of life, liberty or property without due process of law,'' private education in the United States cannot be forbidden by the states. But it is subject to a certain minimum of '' lawful requirements '' of a state of the American Union. In the words of Dr. L. M. Wilson: '' No judicial decision has denied the right of the state authorities to establish certain minimum requirements as to equipment, sanitation, curriculum which must be met by private schools. . . . .''[95] In fact, laws have been passed in the various states concerning sanitary conditions, methods of teaching, courses of study, qualification of teachers, etc. Private schools are subject to inspection and supervision of state authorities to see if the '' lawful requirements '' are enforced.

Aside from legal technicalities it is also politic for missionary schools to comply with the government regulations, for the following reason: Even though the right to establish mission schools be conceded, the Chinese Government is not bound in any way to recognize the graduates of mission schools. It may deny to graduates or former students of mission schools privileges generally enjoyed by graduates of government or registered private schools. The result will be that students will not be attracted by mission schools and that mission education will eventually go out of existence.

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[95] L. M. Wilson, Summary of Legislation Concerning Public Control of Private Schools and Teaching of Religion in Public Schools in the U. S., p. 7.

At this point, it is of interest to note that the government regulations concerning the registration of schools have a vital bearing upon the status of the students. Thus the *China Year Book* for 1926 has the following to say: [96]

> For, according to Chinese law, the elementary school graduates are granted the right to vote or elect local officers and representatives, and middle school graduates may vote for provincial officers and representatives. Full privileges and rights are given to college graduates, i. e., to elect and be elected as parliamentary representatives, to apply for government examinations for public office and diplomatic service, to apply for government scholarships abroad. The graduates of Christian schools and colleges can enjoy the above-mentioned rights and privileges only if the schools are registered with the government.

In the latest rules promulgated on August 29, 1929, governing the registration of private schools, it is also expressly provided that " no students or graduates of private schools which have not yet been registered according to these regulations, can receive the same treatments as the students of registered schools."

The Nationalist Government is tending towards a more liberal attitude to the Christian religion and its educational institutions. As a natural consequence, most of the Christian schools have in recent months [97] undergone reorganization under Chinese administration with a view to registration. In these registered schools religious services are voluntary and the Scriptures elective. Their religious character as a Christian institution is, however, maintained. On the other hand, some Christian schools have been closed, because the missionaries concerned do not feel able to comply with the government regulations.

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[96] China Year Book, 1926, p. 424.

[97] January 1, 1929 was the date set for completion of the registration of schools. At this writing, however, a great many Christian schools have not yet registered.

CHAPTER II

Control and Protection of Missionaries

GENERAL PRINCIPLES

With a view to grasping the importance of the problem of control and protection of missionaries in China, we shall first consider the general principles of control and protection of the citizen abroad by his home government.

Broadly speaking, the solemn bond between a citizen and his state continues to exist until his death, unless it is earlier dissolved by expatriation. The fact that the individual is domiciled, or is sojourning, in a foreign land does not *ipso facto* sever the bond, for he is still under the *personal* supremacy of his state, as distinguished from its *territorial* supremacy. Thus says Professor Edwin M. Borchard: " the mere physical separation of the individual from his home soil leaves him still subject to the law of his own state in so far as this has been made applicable to him. This remains so until physically and legally he has become incorporated as a citizen of another state."[1] And the continuation of the bond between the state and its citizen abroad gives rise to reciprocal rights and duties.

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[1] Edwin M. Borchard, Diplomatic Protection of Citizens Abroad, p. 21.

On the one hand, the citizen abroad is under the control of his own government through its diplomatic and consular agents. It may call upon him for military duty, may impose upon him special taxes, and may control his legal relations abroad. In short, the state can control him in any way that it may see fit, provided, of course, its interests do not conflict with those of the territorial state. It is, however, apparent that, binding as the requirements and injunctions of the municipal law may be, its enforcement is by no means very effective, because of the fact that it "loses its coercive force at the frontiers of the territorial dominions of the state."[2] But it does not follow that its enforcement has to be dependent upon the comity of the territorial state in which its delinquent citizen stays; "for the failure by a citizen abroad to obey the national law is not without its consequences in the home state. It may be met either immediately by a loss of national protection and sometimes denationalization, or else with penalties inflicted either on his property in the national state or upon rights which may have retained there, or on his person when he returns."[3] On the other hand, the state undertakes to protect and defend its citizen abroad, when he is subjected to arbitrary proceedings or to injuries committed upon him. It thus acts as the protector of its citizen abroad, ever watching over his rights and interposing in his behalf to secure a guarantee of his rights and reparation for their violation.

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[2] Ibid., p. 22; see also, Westlake, International Law, I, p. 199.

[3] Borchard, op. cit., p. 22.

At this juncture, a question may be raised: Is the protection of the citizen abroad a duty incumbent upon the home government? The answer to this question hinges upon a clear definition of the word duty, —whether by it is meant a moral or legal duty and whether it is viewed internationally or as a matter of municipal law. In the main, writers on international law concur in their opinions. Thus Oppenheim, in his standard treatise on International Law, maintains:[4]

> Now, there is certainly, as far as the Law of Nations is concerned, no duty incumbent upon a state to exercise its protection over its citizens abroad. The matter is absolutely in the discretion of every state, and no citizen abroad has by international law, although he may have it by municipal law, a right to demand protection from his home state. Often for political reasons states have in certain cases refused the exercise of their right of protection over citizens abroad.

To the same effect says Professor Borchard:[5]

> If it is a duty internationally, it is only moral and not legal duty, for there is no means of enforcing its fulfilment. Inasmuch as the state may determine in its discretion whether the injury to the citizen is sufficiently serious to warrant or whether political expediency justified the exercise of the protective forces of the collectivity in his behalf, for the interests of the majority cannot be sacrificed, it is clear that by international law there is no legal duty incumbent upon the state to

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[4] International Law, I, 396.

[5] Borchard, op. cit., p. 29.

extend diplomatic protection. Whether such a duty exists toward the citizen is a matter of municipal law of his own country, the general rule being that even under municipal law the state is under no legal duty to extend diplomatic protection.

From what has just been quoted it is clear that protection of the citizen abroad is not an international legal obligation imposed on his home government, and that, even if it is provided in the municipal law, it cannot be claimed by the citizen abroad as a legal and perfect right.[6] "At best, therefore," says Professor Borchard, " it is an imperfect right, in the sense of Vattel, that a right is always imperfect when the corresponding obligation depends on the judgment of another. Being devoid of any compulsion, it resolves itself merely into a privilege to ask for protection."[7] This principle is well recognized by the American Government. Hence, as far as concerns the protection of its citizen abroad, " the government's authority and power are plenary " and he " is bound by its action and must accept the measure of protection which the Executive Officials in the exercise of their sound discretion deem it proper to afford."[8]

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[6] For example, Article III, section 6 of the Constitution of the German Empire provided: " Against foreign states all Germans equally have the right to demand the protection of the Empire." Even the right was so provided, German writers maintained that the state was under no legal duty to extend diplomatic protection.

[7] Borchard, op. cit., p. 356.

[8] Ibid., p. 365.

In this connection it is deemed necessary to make it clear that against the territorial state in which he resides an alien has no direct international right whatever. For it is a principle of international law that individuals are mere objects and not subjects of the Law of Nations, and that, therefore, as such they are not endowed with international rights or duties. This point is clearly stated by Oppenheim as follows:[9]

> What the Law of Nations really does concerning individuals is to impose the duty upon all the members of the Family of Nations to grant certain privileges to such foreign heads of states and diplomatic envoys, and certain rights to such foreign citizens, as are on their territory. And, corresponding to this duty, every state has by the Law of Nations a right to demand that its head, its diplomatic envoys, and its citizens be granted certain rights by foreign states when on their territory. Foreign states granting these rights to foreign individuals do this by their municipal laws, and these rights are, therefore, not international rights, but rights derived from municipal laws. International Law is indeed the background of these rights, in so far as the duty to grant them is imposed upon the several states by International Law.

Against other states, however, every state has the right to protect and defend its citizen abroad. Upon this point there is substantial unanimity of opinion among the writers on international law. Thus, says an Italian jurist, Pasquale Fiore:[10]

> Every state has the right to protect and defend its citizens residing abroad by all the means considered lawful in inter-

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[9] Oppenheim, op. cit., p. 457.

[10] P. Fiore, International Law Codified, p. 259.

national law. It must oppose all arbitrary acts committed against them, and in case of an infringement upon their rights, must support them in legal actions brought to obtain satisfaction for unjust injury, and demand, according to circumstances, appropriate guarantees to prevent the recurrence of similar acts.

Hall, in his treatise on International Law, says, in substance:[11]

> States possess a right of protecting their subjects abroad which is correlative to their responsibility in respect of injuries inflicted upon foreigners within their dominions; they have the right, that is to say, to exact reparation for maltreatment of their subjects by the administrative agents of a foreign government if no means of obtaining legal redress through the tribunals of the country exist, or if such means as exist have been exhausted in vain; and they have the right to require that, as between their subjects and other private individuals, the protection of the state and the justice of the courts shall be afforded equally, and the compensation shall be made if the courts from the corruption or prejudice or other like causes are guilty of serious acts of injustice.

At this juncture, a question arises: Whence is this right of protection of citizens abroad derived? Oppenheim and Borchard maintain that it is a right grown up in furtherance of intercourse between the members of the Family of Nations, whereas Hall and others maintain that it is derived from the fundamental right of self-protection of the state. Certain it is that the right of protection is an inherent right of every state in its relations with other states, without which peaceful intercourse is impossible. Thus, the right exists even in the absence of a treaty. Moreover, this right of protection of citizens abroad by their home government cannot be limited or destroyed by the legislation of another state, for it does not depend upon the law of the territorial sovereign, but upon the law of the foreigner's own country. Nor can the citizens abroad contract away such a right. The government of the United States is especially jealous of this right. Thus, on February 15, 1888, Secretary of State Bayard, in his instructions to the American Minister in Peru said that his government "cannot admit that its citizens abroad can, merely by making contracts with foreign powers or by other methods not amounting to an act of expatriation or a deliberate abandonment of American citizenship, destroy their dependence upon it or its obligation to protect them in case of a denial of justice."[12] Again, in June of that year, the Secretary of State in his instructions to the American Minister to Turkey wrote to the following effect:[13]

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[11] W. E. Hall, International Law, 5th edition, p. 278.

> The legislation of various countries of Spanish America such as Mexico, Venezuela, and Peru has sought to establish that a foreigner, while continuing to be a subject or citizen of the country of his allegiance, may, by his own act, waive or forego the right to invoke the diplomatic protection of that government in case of alleged injury. The position, taken up, has been consistently opposed by the United States. . . . This duty is always incumbent upon a government to exercise

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[12] Moore, Digest of International Law, VI, 294.

[13] U. S. For. Rel., 1888, pt. ii., p. 1599; Secretary of State F. T. Frelinghuysen to Mr. Soteldo, April 4, 1884, ibid., 1884, p. 600.

a just and proper guardianship over its citizens whether at home or abroad. . . . . It is not competent to a citizen to divest himself the duty of his government to protect him. He may conclude his rights in such regard by ceasing to be a citizen, for that is the accepted doctrine of expatriation, but he may not remain a citizen and withdraw himself or be withdrawn under the operation of the municipal law of another country from the rights and duties of citizenship.

CONTROL OF MISSIONARIES BY THEIR HOME GOVERNMENT

The above-mentioned general principles of control and protection of citizens abroad by their home government are applicable to missionaries to the same degree as to citizens of other callings. The fact that they are propagating the Christian religion in China does not free them from the entire control of their home government, though, in some cases, they may be exempted from performing certain duties. For instance, they may be exempted from military duty. Their occupation as missionaries of recognized American churches, likewise serves to overcome the presumption of abandonment of nationality by long residence in China.

We should have mentioned that, by virtue of the peculiar character of their calling, practically all missionaries, with the exception of the free-lance missionaries, have been under the control of mission boards or societies at home as well as under the control of their governments. They are agents, so to speak, of these mission boards or societies, from whom they receive appropriations of money, and whose policies they execute. They are, however, in general, given a wide discretion as to the manner in which their work in the field is performed. And of late mission boards and societies have transferred legislative authority to the organization in the field, which are composed of missionaries.

The control over missionaries by their home government is very slight, by reason of the fact that they reside in the very interior of China far from the opened ports where their Consuls reside. This relaxation of control has given rise to innumerable anti-missionary troubles, arising out of the anomalous situation that missionaries in the interior are neither effectively controlled by their consuls nor amenable to the control of the Chinese local authorities. Hence, in order to ward off any such troubles in the future the Tsungli Yamon on several occasions suggested to the representatives of the powers in Peking (now called Peiping) that missionaries in the interior be placed under the sole control of the Chinese local authorities.

Thus, after the settlement of the Yangchow riot,[14] Prince Wan-tsiang of the Tsungli Yamen addressed to the British minister, Sir Rutherford Alcock, a note, dated June 26, 1869, in which he plainly set forth his desire to avert missionary troubles in the future. Observing that the reason why Buddhism, also a creed of western origin, prospered in China without encountering the opposition of the Chinese masses was that its followers were always at peace with the other Chinese and that its propagators were under the control of the Chinese local authorities. Prince Wan-tsiang pointed out that the main cause of missionary troubles in the interior lay in the sheer fact that the Christian missionaries and their converts held themselves outside the pale of law, and showed others that they were not to be treated as ordinary people, and that many of the converts made their religion a pretext for extorting money from the honest people. He, therefore, proposed that the missionaries " be placed under the control of the local authorities (who must not be allowed to be vexatious in their treatment of them) and the result will be that Christians and non-Christians will be placed on a just level *vis-a-vis* each other, and no trouble will arise from unexpected sources."[15] It is not known what reply the British minister made to this proposal, as it was made orally. It is very likely that the British minister did not view it with deep concern, for it was but natural that he regarded it as a curtailment of extra-territorial rights.

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[14] See below, pp. 144 ff.

Notwithstanding the failure of the above-mentioned proposal, the Chinese Government after the Tientsin massacre,[16] was more anxious than ever to devise a plan whereby missionary troubles might be averted in the future. Consequently, Prince Wan-tsiang and Shin-kwei-fan of the Tsungli Yamen addressed to the foreign representatives at Peking a circular note,[17] dated February 13, 1871, setting forth somewhat in detail the causes of misgivings, discontent, and ill-will of the Chinese masses towards the missionaries, and proposing eight articles for controlling the conduct of the missionaries, with a view to removing the difficulties, and to establishing friendly relations between the Chinese and the missionaries. The proposed articles were outlined as follows:[18]

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[15] Ex. Docu. 42nd Cong., 2nd Sess., p. 111.

[16] See below, pp. 147 ff.

> Article I. When an orphanage is founded by the Christians, no notice is given to the authorities; on the contrary, the act seems to be shrouded in mystery. Hence, the suspicion and hatred of the people are aroused. If the orphanages would desist from receiving children, the evil rumors which are now in circulation would at the same time disappear. If, however, there is a wish to continue this work, only the children in needy Christians must be received. . . . . It would be a good thing to abolish the foreign orphanages. . . . . In every province we have numerous orphanages. . . . .
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> Article II. Women ought no longer to enter the churches, nor should Sisters of Charity live in China for the purpose of teaching religion. . . . .
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> Article III. The missionaries residing in China must conform to the laws and customs of China. They are not permitted to place themselves in a kind of exceptional independence, to show themselves recalcitrant to the authority of the government and of the officials to attribute to themselves

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[17] Ex. Docu., 42nd Cong., 2nd Sess., pp. 99-107.

[18] Ex. Docu., 42nd Cong., 2nd Sess., pp. 101-107, MacNair, Modern Chinese History—selected readings, (Shanghai, 1923), pp. 448-452.

powers which do not belong to them, to injure the reputation of men, to oppress the people, to asperse the doctrine of Confucius, by which they give ground for the suspicion, the resentment, and the indignation of the masses. . . .

Article IV. Chinese and foreigners living together ought to be governed by the same laws. For example, if a man kills another, he ought to be punished, if a Chinaman, according to the Chinese law; if he is a foreigner, according to the law of his country. In this manner order will reign; . . . . It belongs to the local authorities to adjudicate on the differences which may arise between the Christians and the people. . . .

Article V. The passports given to the French missionaries who penetrate into the interior ought clearly to bear mention of the province and of the prefecture where they intended to repair. . . . The missionary ought not to pass through the customhouse and toll-bar contraband articles of merchandise which are liable to duty. . . . Passports will not be granted in the provinces where there are rebels, nor even hereafter for those in which the Imperial army is operating,—with the evident object of securing loyalty of safeguard of the missionaries.

Article VI. The aim of the missionaries being to exhort men to virtue, it is befitting that before admitting an individual to the privileges of religion, he should be examined as to whether he has undergone any sentence or committed any crime. If the examination be in his favor he may become a Christian; if on the contrary, he should not be allowed to become one. . . . Missionaries ought to give notice to the authorities, who will take note of the day of the month and the year of admittance, of the country, and of the station in life of the individual, and will ascertain if he has ever undergone any sentence, or if he has ever changed his name. So doing all confusion will be avoided.

> Article VII. Missionaries ought to observe Chinese customs and to deviate from them in no respect; for instance they ought not to make use of seals, the use of which is reserved for functionaries alone. . . . . When the missionaries visit a great mandarin, they must observe the same ceremonies as those exacted from the literates. . . . . They must not unceremoniously go into the Yamens and bring disorder and confusion into the affair.
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> Article VIII. Missionaries shall not be allowed to claim, as belonging to the church, the property which it may please them to designate; in this way no difficulty will arise. If the missionaries wish to buy a portion of land on which to build a church or hire a house in which to take up their residence, they must, before concluding the bargain, go with the real proprietor and make a declaration of the such to the local authority who will examine whether the Tung Chouy presents any obstacle. It will then be necessary to ask the consent of the inhabitants of the place. . . . . It will be necessary besides . . . . to declare that the land belongs with full rights to Chinese Christians. . . . .

That the Chinese Government was sincere in this note, as in the previous one, is certain. In answering this note, Minister Low remarked that he cordially reciprocated the sentiment and opinion expressed by the Yamen, but with particular reference to Articles III and IV, he was of the opinion that inasmuch as the missionaries had no legal rights to do the things complained of, these proposals appeared " entirely unnecessary," and that " any additional regulations to prevent such acts are superfluous."[19] Acting Secretary of State, David, in his

[19] U. S. Foreign Relations, 1871, pp. 107-108.

instruction to the American minister, brought out the point clearly that to curtail some of the rights of American citizens simply because they are missionaries is an idea that " cannot be entertained for one moment by the United States."[20]

The British Government took the same view. Thus, in its instructions to Mr. Wade, the British minister at Peking, the British Foreign Office declared:

> Her Majesty's Government cannot allow the claim that the missionaries residing in China must conform to the laws and customs of China to pass unchallenged. It is the duty of a missionary, as of every British subject, to avoid giving offense, as far as possible, to the Chinese authorities and people, but he does not forfeit the rights to which he is entitled under the treaty as a British subject because of his missionary character.

The instructions added, however, that the British Government, in rejecting the Chinese propositions, was not " actuated by any other motive than the wish to avoid embarrassing questions already of sufficient difficulty, by cumbrous and impracticable regulations " and that if

> British missionaries behave improperly they should be handed over to the nearest consul for punishment like other British subjects, as provided in the ninth article of the treaty of Tientsin. If the local authorities consider that Her Majesty's consuls do not in any instance afford redress for their complaints, they can appeal through the government at Peking to Her Majesty's minister in the ordinary course of international usage. Both her Majesty's minister and consul have

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[20] Ibid., pp. 153-154.

> extensive powers for maintaining the peace, order, and good government of Her Majesty's subjects in China, and if those powers should be proved to be inadequate, Her Majesty's Government would readily increase them, but until it can be proved that Her Majesty's subjects in China by the exercise of the powers confided to them, Her Majesty's Government must decline to supplement the existing treaties by regulations which, although only intended to deal with a particular class of British subject, would undoubtedly subject the whole British community in China to a constant interference in their intercourse with the native population of a most vexatious description.[21]

The French Government criticized the Chinese communication in the following language:[22]

> En ce qui concerne le projet de règlement en huit articles, il a été facile à notre Commissiare de montrer le peu de fondement des allegations sur lesquelles on a prétendu appuyer cette innovation, et l'impossibilité d'y donner suite sans violer manifestement les traités.

The other powers, while approving the motives of the Chinese as sincere, did not take any action. Hence, the proposal died a natural death and the question of controlling missionaries by the Chinese Government remained unsettled. But the hatred against missionaries became daily more intense, and missionary troubles were the order of the day. The outcome was the Boxer Rebellion, which possibly might have been averted if adequate plans had been adopted to alleviate the bitter feelings of the Chinese masses.

[21] Ibid., p. 158.

[22] Cordier, Relations, I, 406.

The Boxer uprising opened the eyes of the powers to the seriousness of the missionary question. Article XIII of the Sino-British Treaty of September 5, 1902, provides as follows:

> The missionary question in China being, in the opinion of the Chinese Government, one requiring very careful consideration, so that, if possible, troubles such as have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and if possible, to devise means for securing permanent peace between converts and non-converts, should such a commission be formed by China and the Treaty Powers interested.[23]

PROTECTION OF MISSIONARIES BY THEIR HOME GOVERNMENT

Having considered the subject of control of missionaries in China, we next proceed to deal with the protection of missionaries by their home government. It is of importance to note that the duty of protecting Protestant missionaries in China has always been devolved upon their respective governments. The United States Government has had a really distinct policy: that of protecting American missionaries to the same degree as other American citizens in China. It does not accord them special protection. In other words, American missionaries are protected by their government because of their American citizenship regardless of their religious faiths. However, many of the European nations have adopted a different policy. Because of their special relations with certain ecclesiastical organizations, they, therefore, act as the protector and representative of these organizations in China. Even Great Britain and Germany, Protestant nations, are traditionally under obligation to defend the great faiths which are so closely connected with their national history.[24] The case of Catholic missionaries is of special interest to us.

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[23] Hertslet, I, 183. But thus far there has been no such commission. (In Article XVII of the Portuguese treaty of October 15, 1902 a similar provision was inserted).

By virtue of a bull of Pope Nicholas V, under date of January 8, 1454, to King Alfonso V, which was confirmed with a few interruptions by the succeeding popes, the King of Portugal claimed the right of protection over all Catholic missions in the Orient. He not only claimed the right to erect churches and to administer those which were already in existence in the Far East, but also assigned pastors to such churches as might be erected in the future in any part of the non-Christian lands of Asia. Furthermore, no letter or bull of the Holy See could have the force of law in the Far East, without having passed through his hands and having received his approbation; no missionary could go there without express permission from the court at Lisbon. The failure of the mission of Tournon was largely due to the fact that, on his way to China, Tournon did not visit Lisbon. It is strange to relate that the validity of the bull was not contested by the other powers.

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[24] Hinckley, op. cit., pp. 111-112.

However, when the Dutch, English, and others had established settlements in India, Pope Urban VIII allowed missionaries to proceed to Asia by whatever way they pleased.[25] The creation of the Congregation of Propaganda by the bull *Incrustabili* of Gregory XV, on June 22, 1622, gave a fatal blow to the Protuguese pretensions. The weakness of Portugal also contributed to the gradual decline of her influence in the Orient. However, in the quarrels over the Chinese rites among the missionaries of the various orders, her influence was revived; and, until the beginning of the nineteenth century, the court at Lisbon retained the right to nominate the bishops of Nanking and Peking, suffragans of the archbishop of Goa. But, in her unratified treaty of August 13, 1862, Portugal did not make any allusion to her ancient privileges. The Treaty of Peking concluded in 1887 between China and Portugal contained only a toleration clause (Article LII).

After the decline of the Portuguese protectorate over all Roman Catholic missions in China, France was ready to lay claim to a similar protectorate. It is to be noted that the French protectorate began to be exercised upon the arrival of the five Jesuits, who were dispatched by Louis XIV, in 1685.[26] After that date the eyes of the French ecclesiastics turned to China. The movement was always politico-religious. After entering into formal treaty relations with China in 1844, France became more jealous than ever of her rôle as protector of the Roman Catholic faith in China.[27]

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[25] Chinese Repository, I, 44.

[26] In 1684, an idea of sending missionaries to China for the purpose of making some astronomical observations began to be entertained in France. Under the auspices of the King the Royal Academy of Sciences was then working at the reform of their geography. Colbert had an interview with Father Fontney and M. Gassini on the subject

According to Cordier, Article 22 of the Treaty of Whampoa, the first treaty concluded between China and France, gave a new confirmation to the protectorate over the missions by France.[28] But Doctor Wellington Koo maintains that:[29]

> This inference, however, could not be sustained without straining the letter of the provision, inasmuch as the latter spoke of only "les Francais" as being entitled to establish churches, hospitals, asylums, schools, and cemeteries, and in the final clause the punishment of the guilty was stipulated only in case "des églises ou des cimetières Francais," not churches or cemeteries of any nationality, were destroyed.

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in question. The death of Colbert, however, frustrated the project for some time, but it was later resumed by his successor, Le Marquis de Lourvois. Six missionaries embarked at Brest, on March 3, 1685, and after encountering many hardships five of them finally landed at Ningpo in June, 1687. They were brought before the prefect. The viceroy wished to drive them out. Under Verbiest's influence the emperor ordered them to proceed to Peking, where they were received with honors and they were allowed to establish themselves in whatever provinces they pleased. The emperor asked them to remain in the capital, but three of them chose to repair to the interior. The two who remained in the palace were Gerbillon and Bouvet. Every day they gave instructions to the emperor in mathematics and European sciences. (J. Murray, Taeping Rebellion, p. 40.)

[27] The two rescripts of 1842 and 1844 were obtained through the efforts of the French envoy.

[28] Cordier, I, 17; II, 626.

[29] Koo, p. 307.

Article 13 of the French Treaty of Tientsin, June 27, 1858, while recognizing the liberty of the Catholic faith, as admitted by Cordier, does not stipulate that France had the right to protect all the Catholic missions in China. With reference to Article 6 of the Treaty of Peking (1860) Cordier contends that the clause providing for the restitution of the confiscated property of the Catholic churches " par l'entremise du ministre de France marque bien la reconnaissance d'un droit:" [30] In contradiction to this view, Doctor Koo says: [31]

> This is, however, merely one interpretation of the effect of the clause. On the other hand, a different construction may be fairly upheld. The confiscations referred to had taken place at a period long before China's treaty relations commenced with France or any other Western nation except Russia. The restoration stipulated for was expressly declared to be based, not on any treaty, not even on that of 1844, but on a domestic law, the edict of February 20, 1846. Under these circumstances the restoration of the property might appropriately be considered as an act of grace on the part of China, and the interposition of the French legation was accepted merely as the safest and most convenient way of reaching the owners of the property. In short the inference from the clause under consideration of implied assent on the part of China to the French protectorate over Catholic missions in China seems to be far from established beyond doubt or question.

Whether or not France was legally entitled to act as the protector of all Catholic missions in China, the historical fact remains that all Catholic missionaries, regardless of their nationalities, were, until recently, under the protection of the French legation at Peking, and their passports were issued not by the representatives of their respective governments, but by that of the French Government. Moreover, the Chinese Government seems to have given its tacit consent to the French protectorate. But the Chinese always realized the danger of the French protectorate. The following statement is taken from a Chinese newspaper of October, 1886:[32]

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[30] Cordier, II, 626.

[31] Koo, p. 308.

> It is rather suspicious that the French Government, the greatest enemy of Christianity, which is constantly oppressing the priests and confiscating their property in France, should be so intensely desirous of protecting Christians in China, where this protection is not required. A leading French statesman, Gambetta, who died a few years ago, left as a legacy to his followers the doctrine that the Church should be suppressed in France but supported in all foreign countries. Gambetta was a man who had no reverence for Heaven, and no religion, and seems to have regarded Christianity as a disease which he wished his own country to be rid of, but was not sorry to see it spreading elsewhere. It is necessary to keep these ideas in mind in order to understand the action of the French Government today.

The right of France to exercise the protectorate was, however, by no means unchallenged by other powers. Thus, in 1868, M. de Quevedo, the Spanish minister at Peking, attempted to withdraw the Spanish missionaries from the French protectorate, and

[32] A. Michie, The Englishman in China, pp. 348 ff.

to place them under his legation. He issued a circular to the agents under his jurisdiction, declaring that thereafter Spain would take upon herself the duty to protect Spanish missionaries in China, and requesting the latter to surrender the French passports they then held in exchange for those issued by the Spanish legation. But the Spanish Dominicans in China were opposed to this measure. In fact, in June of the same year, the Spanish Dominicans requested M. Brenier de Montmoran, consul-general of France, to accord them the French protection. A few years later, the French legation actually resumed its protectorate over the Spanish missionaries in China.[33]

Italy, also, attempted to withdraw the Italian missionaries in China from the French protectorate. During the Sino-French War of 1884-1885, the Italian minister, M. Ferd de Luca, having received a request from Italian missionaries in Hupeh, personally went to Hankow of that province and delivered to each of the members of the Congregation a nationality certificate in order that they might avoid being mistaken by the Chinese for French subjects in China. On his return to Shanghai, M. de Luca addressed to the Tsungli Yamen a long communication, dated November 15, 1884, in which he requested the Yamen to instruct Pien, the viceroy of the two Hu provinces, to affix his seal to the Italian nationality certificates, but he did not raise the question of the French protectorate.[34]

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[33] Cordier, II, 638-641.

However, the Italian minister of foreign affairs, M. Mancini, was not slow in taking advantage of the act of M. de Luca at Hankow. He informed the French ambassador at Rome, M. Decrais, that he approved what M. de Luca had done, and that the Vatican was grateful for the interest which the ministry of the King had shown in the circumstances.[35] However, this was emphatically denied by the representatives of the Vatican. Thus, the secretary of the Propaganda, Mgr. Jacobini, declared on February 5, 1885, that the instruction to be sent out to the Italian missionaries invited them to resort as exclusively as possible to the good offices of the French bishop at Peking.[36]

Under the instruction of his government, M. Ferd de Luca held a conversation with the Tsungli Yamen on September 29, 1888, in regard to the withdrawal of Italian missionaries from the French protectorate. He summarized the conversation as follows: [37]

> 1. Les missionaires catholiques italiens, munis des passeports à eux délivrés, en due forme, par la légation d'Italie en Chine, ont le faculté de se rendre dans l'intérieur de l'Em-

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[34] Ibid., pp. 641-642.

[35] Ibid., p. 644.

[36] Ibid., p. 644. It is to be noted that a number of Italian missionaries then preferred the Italian protection to that of the French legation.

[37] Ibid., III, p. 78.

pire et d'y jouir de la même protection et des mêmes privilèges que ceux accordés aux missionaires catholiques, français, porteurs de passeports délivrés par la Légation de France;

2. Désormais on refusera la "visa" des autorités chinoises au passeports delivrés, par toute autre légation êtrangère n'itant pas la Legation d'Italie, aux missionaires, catholiques italiens, dont la nationalité italienne est déclaree dans les passeports.

Then the Italian minister proposed that these measures should be put into effect only after a delay, so that the higher authorities in Peking might be able to give necessary instructions to the provincial authorities. On October 9, the Yamen confirmed the above-mentioned terms of the conversation. On November 8, 1888, the Italian Government made known to the French Government that an agreement had been reached between China and Italy whereby the former would thereafter not visé any passports delivered to the Italian missionaries by any legation other than that of Italy. The Italian minister also informed the Italian missionaries in China that, on November 22, 1888, an arrangement had been reached between Italy and China whereby the Italian missionaries would be henceforth placed under the protectorate of the Italian legation.[38]

The writer is unable to find out what the response of the Italian missionaries was. In all likelihood, it was generally unfavorable. Prince di Cariati, Chargé d'affaires of Italy in China, on December 10, 1889, addressed a new circular to the Italian bishops in

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[38] Ibid., III, 82.

China informing them that in pursuance of the instructions from the minister of foreign affairs he sent them a last warning that they should take account of the desires of the Italian Government. However, this circular received an unfavorable response. The Italian prelates were enjoined by the Propaganda, " to maintain themselves religiously " under the French protection.[39] With the failure of this last attempt, the Italian missionaries in China, like the Spanish missionaries, remained under the French protectorate.

Seeing that France had exerted a subtle and far-reaching influence in China, the German Government also endeavored to establish a separate protectorate over the German missionaries in China. As early as 1882, the German ambassador in Paris declared to the French Government that his government intended to protect in the future her own missionaries in China.[40] The question gradually became acute. On November 3, 1888, the German Government made known to France that she had agreed with the Chinese Government that the latter would never visé the passports issued to the German missionaries by any legation other than that of Germany.[41]

In fact, two arrangements were made between China and Germany on the subject of missionaries. In the first arrangement the Chinese Government declared that the German missionaries under passports issued by the German representative in China would be entitled to the same rights as possessed or enjoyed by the nationals of the most-favored nation and the same advantages as granted the holders of passports delivered by the French authorities. In the second arrangement, the Chinese Government was obliged not to visé the passports delivered to the German subjects by any representative other than that of Germany.[42]

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[39] Ibid., p. 83.

[40] Ibid., II, 74; G. O. P. Bland, Li Hung Chang, p. 272.

[41] Cordier, III, 78.

However, on November 10, the Tsungli Yamen assured M. Lemaire, the French minister at Peking, that the Chinese Government had expressly reserved the right to continue to visé the passports of missionaries which would be presented by the French legation *upon the same conditions as before,* and to deal with France as to affairs touching the persons provided with these passports. The Tsungli Yamen confirmed its first declaration verbally on December 11, and on the 18th, in spite of the pressure brought upon the Yamen by the German representative on the 11th, and the 13th. The following communication was addressed to M. Lemaire on December 18, 1888:[43]

> Lorsque Votre Excellence est venue au Yamen, le 7 de la dixième lune de cette annèe (10 Nov. 1888), Elle nous a dit que les arrangements intervenus entre nous et les Ministres d'Allemagne et d'Italie, relativement au visa des passeports qu'ils délivreraient à leurs nationaux, ne sauraient affecter en

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[42] Ibid., p. 80.

[43] Ibid., III, 80.

aucune façon, la maniére de procéder en usage jusqu à ce jour pour ce qui regarde le visa à apposer par l'autorité chinoise sur les passeports délivres conformément à l'article XIII du traité de 1858, par la Légation de France, aux personnes qui se rendent dans l'interieur de la Chine pour y prêchêr la religion.

Nous, Prince et Ministres, nous alors déclaré que tous les passeports qui seraient à l'avenir délivrés par la Légation de Votre honorable pays, dans les mêmes conditions que par le passé, devraient naturellement être visés par l'autorité chinoise cometente à laquelle ils seraient comme par le passé, transmis par notre Yamen.

In 1890, Bishop Anzer, a German missionary to Shantung, returned to Rome to consult Pope Leo XIII. In January, 1891, the Minister of Bavaria, Baron von Cetto, notified Cardinal Rampolla of the desire of the Cabinet of Munich to see the German missionaries in China placed under the protection of the German legation.[44] Finally, in 1898, when the news of the murder of two German missionaries reached Europe, the German Government for the first time asserted effectually her claim of the rights to protect its nationals in China. After the settlement of the case Germany was given by the Vatican the protectorate of Roman Catholic Missions in Shantung.

In 1891, Cardinal Rampolla entrusted Mgr. Anzer as the carrier of a letter to Viceroy Li Hung Chang conveying the condolence of the Holy See to the Imperial Court on the occasion of the death of the Seventh Prince. However, the main and true object of the letter was to find out if the measure proposed by Leo XIII on the subject of establishing in China an ecclesiastical hierarchy would be favorably received by the Chinese Government. The letter did not mention either nuncio, apostolic delegate or protection.[45] In the course of the interview Viceroy Li remarked to Mgr. Anzer that, inasmuch as it was a matter purely religious in character, the consent of the Chinese Government would not be necessary to give effect to the project. He added that the archbishops could not deal with the Tsungli Yamen and that they had merely the same relations with the local authorities as had the bishops. Thus the mission did not achieve anything. But again, in October, 1891, following the disturbances against the Christians in the interior, the Pope contemplated sending to China a delegate charged with carrying to the Emperor some presents and a letter. However, through the intervention of the French Government, the project fell through.

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[44] Ibid., p. 86.

Great Britain never recognized the right of France to extend her protectorate over the British Catholic missionaries residing in China. In the fourth article of the arrangement of March 15, 1899, it was provided that " in grave cases concerned with Roman Catholic missions, bishops and priests must request the Minister of the nation specially intrusted by the Pope with the protection of missionaries, or the consul of the nation, to arrange the affairs with the Tsungli Yamen or the local officials.''[46] With reference to this provision, Lord Salisbury instructed Mr. Bax-Ironside, in Peking, June 20, 1899, '' to inform the Chinese Government . . . . that where bishops and priests of British nationality are concerned, Her Majesty's Government cannot allow their affairs to be subject to the intervention of the officials of any government other than the British Government, unless with the consent of Her Majesty's diplomatic representative in special cases.''[47] The contents of this instruction were communicated to the Tsungli Yamen, August 1, 1899.[48]

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[45] Ibid., III, 87.

France had little or no commercial interest in China, and only through her protectorate over all the Catholic missions could she hope to exert any influence in the Far East. A French sinologist aptly let fall the following remark: '' Le Gouvernement francais ne poursuit pas un but de propaganda religieuse; il se propose d'utilise a son profit les relations crées et les progrés accomplis par les misionaires.'' Another French writer said:[49]

> Renoncer à nos prérogatives les plus enviées sous le prétexte qu'elles sont un héritage de l'ancienne monarchie, qu'elles

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[46] Hertslet's China Treaties, II, 1154.

[47] Parl. Papers, China, no. 1 (1900), p. 149.

[48] Ibid., p. 324. To my knowledge, the American Government never expressed her attitude regarding the French protectorate. It is probably due to the fact that before there were but a few American Catholic missionaries in China. It is certain, however, that the American Government would not have acquiesced in the French protectorate over her own citizens in China, had there been a conceivable number of American Catholic missionaries.

[49] Pinon, La Chine *Qui S'ouvre,* p. 148.

touchent nécessairement aux questions religieuses et impliquent des relations avec le Saint-Siège, serait la pire des trahisons; le protectorat, c'est en Extrême-Orient et en Orient notre Kiao-Tchéon, notre Port-Arthur, notre Egypte; c'est aussi une part de notre histoire, c'est-à-dire une parcelle précieuse de l'âme française. Abandonner tout cela, ce serait pour la France dans le mondé un désastre materiel et une faillite morale.

A. R. Colquhoun said:

The blood of the martyrs is in China the seed of French aggrandizement. France uses the missionaries and the native Christians as *agents-provocateurs;* and outrages and martyrdoms are her political harvest. What the preponderance of her commerce does for England the Catholic protectorate does for France, so that the influence of their respective position *vis-a-vis* of the Chinese is nearly balanced; but France makes ten times more capital out of her religious material than Great Britain has ever done out of her commerce.

Such being the case, the Chinese Government, though she had acquiesced in the French protectorate, took a dislike to it and prayed for its annulment. In view of the war (1884-1885) raging between China and France, the Pope addressed a letter to the Chinese Emperor in February, 1885, expressing his appreciation of the protection hitherto accorded by the Emperor to the missionaries and praying him to continue his benevolent policy. It was, however, merely a letter of courtesy without having in it a word of political significance. Père Giulanelli was the bearer of the papal letter. Upon his arrival at Tientsin he applied for a passport from the French consul, France's sole representative in North China during the war, but did not make any allusion to the letter. At Peking he was introduced, through Sir Robert Hart, to the Emperor. Then, at the close of the audience, the papal letter was handed to the Tsungli Yamen. Two days later, Pere Giulanelli received from the Yamen an official reply stating that the Emperor was very much pleased with the papal epistle and requested the most illustrious legate, upon his return to Rome, to offer felicitations to the Pope.[50] All the proceedings took place in the capital without the knowledge of the French consul.

The mission of Giulanelli was in itself not of great importance, but it aroused in the Chinese a desire to abolish the French protectorate. After the conclusion of the Tonquin war in 1885, Li Hung Chang was consulted on the subject of sending to Rome a minister plenipotentiary to ask the Pope to accredit a legate to Peking and to allow the appointment of a Chinese minister to the Holy See. Subsequently Li was commissioned to carry out the secret project as promptly as possible. He appointed a delegate, in whom he placed his entire confidence, to find out all the necessary information concerning the following questions: 1. Why is it that certain European governments send to the Vatican special ministers and the Pope sends to the Catholic countries and to certain non-Catholic countries legates? 2. What are the courts to which the Pope sends legates and what are the nations which have ministers at the Vatican? 3. What is the number of European bishops in China? What is the number of bishoprics in China and in what provinces? 4. What is the number of European missionaries in China? The number of priests? 5. The number of Catholics, etc., etc.

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[50] Cordier, II, 597.

On November 6, 1885, John George Dunn, a British Catholic, agent of the Eastern Extension Telegraphy Company, was appointed by Li Hung Chang to go to Rome with a view to the displacement of the Peh-tang or the Catholic Cathedral of the north and the establishment of close and more formal relations with the Vatican. The Pope received the project with approval. Soon, Mgr. Agliardi was designated as legate to China, and he accepted the nomination. Having heard of this news the Empress-Dowager sent the following message to the Tsungli Yamen, "Get that man here; lose no time."[51]

The representatives of England, Germany, Italy, and Belgium encouraged the Court of Peking to persist in contesting the exclusive protectorate exercised by France; only Russia and Spain abstained. The efforts abroad were centered in London and favored by Cardinal Manning, who professed little amity with the French Government. The Archbishop of Westminster made common cause with Marquis Tseng, who was directly engaged in the cause of abolishing the French protectorate.

[51] A. Michie, Englishman in China, II, 346.

The French Government, however, raised objections and requested that the papal representative at Peking should have no diplomatic standing, but be of the same character as the apostolic delegate at Constantinople.[52] In fact, the French Government threatened to terminate the concordat, to withdraw the subvention (50,000,000 francs) to the church in France, and to sequestrate its ministers. At that time the Pope had no alternative but to submit to France and " with tears in his eyes he deplored his impotence to respond to the invitation of China under such a truculent menace to his children in France."[53] Thus the Pope had little option and the question of establishing direct relations with the Holy See came to an end. The authorities at the Vatican were led to believe that China was not in a position to protect the Catholic interests and that no power was capable of taking the place of France. In other words, the Vatican was forced either to rely upon the joint protection of the European powers which had Catholic missionaries in China, or to invoke the good offices of the government of Italy. But neither of these courses was deemed desirable. Thus, the Archbishop of Tyre expressed his opinion to the French ambassador at the Vatican, Lefebre de Behaine, in the following language:

> Il est tres certain que les canons de l'Eglise ne nous protergeraient pas du tout contre les retours offendifs du Celeste

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[52] Cordier, p. 603.

[53] Michie, op. cit., p. 346.

Empire; des lors il faudrait nous addresser aux diverses Puissances europeennes et nous serions ainsi conduits de toute necessite a solliciter surtout les bons offices de l'Italie toujours prete a nous les offrir. Mais cela nous conterait bien cher—et le *status quo* est le beaucoup preferable.[54]

The most serious question arising out of the French protectorate was connected with the Peh-tang, or the Roman Catholic Cathedral of the North. The piece of land on which the cathedral stood was granted to the French Jesuits by Emperor Kanghi on July 4, 1693, as a gift of gratitude for the service rendered to him personally. Besides furnishing a part of the materials for the erection of the cathedral, the Emperor also appointed mandarins to attend to the work. It was situated in the first enclosure of the palace. Because of the height of its towers, it was always considered inauspicious in the eyes of the Chinese. During the persecution of 1827 it was accordingly destroyed. But, in 1860, in pursuance of the sixth article of the convention of Peking between China and France, it was restored to the Lazarists, who had succeeded the Jesuits after the dissolution of the order of the Society of Jesus in 1773 by Pope Clement XIV. It was rebuilt in 1865. Cordier maintains that, of all the establishments of missionaries in China, the Peh-tang was incontestably the property of France; that, as a matter of strict right, the French Government could render the mission to such religious order as it pleased, and that neither

[54] Cordier, II, 647.

the Pope nor the Lazarists had any right over the Peh-tang.

In October, 1874, Prince Kung of the Tsungli Yamen declared to Mgr. Delaplace, the apostolic vicar, that the Emperor had intended to appropriate the site of the Peh-tang for the purpose of extending the Imperial Gardens to the west. In return, Prince Kung offered to grant another site and some compensations. Although this proposal received hearty approval from the apostolic vicar, it was opposed by the French Legation as well as by the Catholic missionaries. The Tsungli Yamen maintained, however, an uncompromising attitude. Hence, the situation appeared grave. Mgr. Delaplace returned to Europe to explain the situation to the Holy See and the French Government. But, at the death of Emperor Tungchi, the negotiations were suspended.

The Empress Dowager retired in 1885 when the young Emperor reached his majority and took into his own hands the reins of government. According to custom, she had to leave the palace. Consequently, it was considered necessary to amalgamate the Peh-tang with the Imperial Gardens. Hence, the issue was renewed. But, before M. Ristelhueber, the French consul at Tientsin, was empowered by his government to reopen negotiations with the Chinese Government, Li Hung Chang, through his agent, M. Detring, effected a secret agreement with M. l'abbe Favier, Procurator of Lazarists in Peking. The agreement was to take effect when ratified by the

Emperor and the Pope. According to the major terms of the agreement, the missionaries were to relinquish all the rights in the establishment, and, in return, the Chinese Government was to pay 350,000 taels as an indemnity, and grant a new site in Si San Kou.

Upon learning of the secret agreement, the French Government raised a tempest of indignation. M. Risteluebber was soon charged with negotiating with Li Hung Chang. On August 16, 1886, Li declared to the French Consul that the Peh-tang having been granted to the Jesuit missionaries by Emperor Kanghi as a gift, was not the property of France, and that the interposition of the French Legation on the occasion of its restoration to the Lazarists in 1860 was simply an execution of Article VI of the Convention of that year. As a result of the failure of Dunn's mission, Li Hung Chang changed his whole attitude. On August 18, he, through the French Consul, telegraphed to the President of the French Council, stating that, having been informed of the fact that France claimed certain rights over the Peh-tang by virtue of which the intervention and the assent of the French Government was necessary for the retrocession of the establishment, he, under these circumstances, requested the President to ratify the Favier-Detring Agreement.[55] Li also addressed to M. Constance, the French Minister, a letter dated November 22, 1886, requesting officially the retrocession of the Peh-tang. Three days later, the French Minister acceded to the request.[56]

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[55] Ibid., p. 616.

On December 3, 1886, there appeared in the *Peking Gazette* an Imperial decree, reviewing the whole course of negotiations for the transfer of the Peh-tang, expressing the Emperor's appreciation of the successful termination of the matter by conferring on Tagliabuer and Detring official titles of the second rank, and on Favier, the third rank, and by decorating George Dunn and Ristelhueber. Favier and Dunn were each presented with a gift of 2000 taels. On December 15, the Tsungli Yamen sent to M. Constance, for transmission to Bishop Tagliabuer, the title deed to the new site of Si Che Kou made out in the Bishop's name. An agreement, signed on December 16 by Bishop Tagliabuer and M. Constance, declared that: " It remains well understood between the parties concerned that the rights which the French Government possesses over the existing Peh-tang are reserved and will be carried over the lands of Si Che Kou and over the construction which may be erected thereon." [57] The final instruments of the transfer were signed on December 14, 1887, by the representatives of the Tsungli Yamen on one part and by those of the French Legation and of the Catholic mission, on the other.[58] This settled the much disputed question.

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[56] Ibid., p. 617.
[57] Ibid., p. 622.
[58] Ibid., pp. 623-624.

For a long time there was in France an agitation for the separation of church and state. On December 9, 1905, a bill submitted by a committee became law. In January, 1906, the French Minister at Peking notified the Wai Wu Pu, the Ministry of Foreign Affairs, that his government had informed him of the law, which the French National Assembly had enacted, ordering the severance of official relations between the state and church; and had instructed him to declare that henceforth the French Legation would take care only of cases affecting French missionaries. This put an end to the anomalous protectorate.

In recent years the missionaries have manifested their desire for the relinquishment of extraterritorial rights, at least as far as they themselves are concerned. Thus, a group of missionaries declared:[59]

> Without attempting to enter into the general question of extraterritorial rights, but having regard to the fact that we are here as messengers of the gospel of peace and that our task is to establish peace by leading men and women one by one into that new life in Christ which takes away the occasion of all wars, we express our earnest desire that no form of military pressure may be exerted to protect us or our property, that in the event of our capture by lawless persons or our death at their hands no money be paid for our release, no punitive expedition be sent out and no indemnity exacted. We take this stand believing that the way to maintain righteousness and peace is through suffering without the retaliation and through bringing the spirit of personal good-will to bear on all persons under all circumstances. So we understand the teaching and

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[59] International Review of Missions, XIII, 334-345; The Chinese Recorder, June, 1928, p. 369.

example of Jesus Christ our Lord, and it is to the extension of His Kingdom that our lives are dedicated.

On May 28, 1928, the General Conference of the M. E. Church in the United States adopted the following resolutions [59a] regarding the military protection of missionaries.

> 1. That the protection of missionaries should only be by such methods as will promote goodwill, in personal and official relations, and urges upon the Board of Foreign Missions and the Women's Foreign Missionary Society to continue their policy, that they should make no claim on our government for the armed defense of their missionaries and their property, and
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> 2. Further instructs the Board of Foreign Missions to petition the President of the United States, and the Department of State, to take any steps that may be necessary, to provide that hereafter when conditions arise leading the Department of State to consider it unwise or unsafe for American citizens to remain in a certain territory, those who temporarily desire to renounce the protection of the United States, while remaining in that territory, may do so without forfeiting their citizenship, and without involving the State Department or the United States Government in case such citizens receive personal injury, and . . . .

The meeting of the International Missionary Council, held in Jerusalem in 1928, also adopted a clear-cut statement regarding the protection of missionaries. It reads as follows:

> Inasmuch as Christian missions involve the largest possible identification of the missionary with the people of his adoption; and

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[59a] The Chinese Recorder, 1928 August, p. 539.

Inasmuch as missionaries have generally relied upon the goodwill of the people among whom they live and the protection of the government of the locality for the protection of their lives and property; and

Inasmuch as missionaries, both as individuals and in groups, and several missionary societies, have asked that steps be taken to make plain that they do not depend upon or desire the protection of foreign military forces in the country of their residence; and

Inasmuch as the use or the threat of armed forces of the country from which they come for the protection of the missionary and missionary property not only creates widespread misunderstanding as to the underlying motive of missionary work, but also gravely hinders the acceptance of the Christian message;

The International Missionary Council places on record its conviction that the protection of missionaries should only be by such methods as will promote goodwill in personal and official relations, and urges upon all missionary societies that they should make no claim on their governments for the armed defense of their missionaries and their property.

Further, the council instructs its officers to collect and circulate to the national missionary organizations information concerning any action regarding this matter that has or may be taken by the missionary societies.

Finally, the International Missionary Council desires to record its conviction that the foreign missionary enterprise is a spiritual and moral and not a political enterprise, and that its work should be carried on within two great human rights alone, the right of religious freedom for all men, and the maintenance by each nation of law and order for all within its bounds.[59b]

Such are the prevailing opinions of the missionaries regarding the question of protection. Noble, indeed, is such expression of opinion, but the powers would not accept such a generous view. As has already been pointed out, nationals abroad cannot of their own will forego their right of protection. It is, however, possible for the missionaries to waive diplomatic protection, with the express consent of their home government. The Department of State of the United States already established a precedent in 1919.[59c] Certain missionaries of the Methodist Episcopal Church, South, desired to return to Mexico, but passports were not at that time being granted to American citizens for that purpose. Finally, the Department of State agreed to issue passports to the missionaries of this society if they would sign a statement waiving the right to claim protection. Several missionaries so signed and returned to their work. It is, however, problematic whether such a principle might be embodied in a special treaty.

[59b] The Chinese Recorder, July, 1928, pp. 411-412.

GENERAL PRINCIPLES OF CONTROL AND PROTECTION OF ALIENS BY THE TERRITORIAL GOVERNMENT

Thus far we have dealt with the problem of control and protection of citizens abroad by their home government. Now let us proceed to consider the other aspect of the problem, that is, the control and protection of aliens by the territorial state. It is to be noted that these two aspects are mutually corrective forces, that is, to control and protect citizens abroad is a personal sovereign right of the home government and to control and protect aliens is a right of the territorial sovereign. An excessive application of one is bound to invite the action of the other.

[59c] Ibid., March, 1928, p. 193.

As a general principle, with their entrance into the territory of another state, aliens, unless they belong to that class of persons who are entitled to extraterritoriality, immediately fall under the control of the territorial government. They are *subditi temporarii* of the territorial government, to which they are responsible for all acts they commit within its territory, and they owe obedience to all administrative arrangements of that government, which concern the very locality in which they are domiciled or are sojourning. Thus, like the citizens of the territorial government, aliens are subject to restrictions, enforced as the consequence of a public calamity, such as the outbreak of a fire, or an infectious disease. Unlike citizens of the territorial government, however, aliens cannot be subjected to its arbitrary control. Owing no personal allegiance to the territorial government, they cannot be compelled to serve in its army or navy, though they may be bound to serve in its police force and militia, especially in times of sudden emergency. To quote the words of Secretary of State Evarts:[60]

> It is well settled by international law that foreigners temporarily resident in a country cannot be compelled to enter

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[60] U. S. For. Rel., 1880, p. 751.

into its permanent military service. It is true that in times of social disturbance or invasion, their services in police or home guards may be exacted, and that they may be required to take up arms to help in the defense of their place of residence against the invasion of savages, pirates, etc., as a means of warding off some great public calamity by which all would suffer indiscriminately.

On the other hand, the territorial government is bound to provide full protection to the persons and property of the aliens residing within its boundaries. They must be treated with some consideration, and must not be subjected to any molestation or interference in the pursuit of their lawful callings or professions. As already noted, the home government of the alien, by its right of diplomatic protection, watches over his rights abroad and interposes in his behalf in case of discrimination or in case his rights are violated. In order to secure full protection, it is usually stipulated in treaties that citizens or subjects of one party residing within the dominions of the other are entitled to the same treatment and protection as that accorded to the nationals of the territorial government.

Now let us proceed to consider how far these general principles are applicable in China. By virtue of extraterritoriality the Chinese Government has been in some respects divested of the right of control of aliens residing within its territory. To what extent this right has been taken away from China is, however, a controverted question. Certain it is, that the foreign powers have unduly extended the doctrine of extraterritoriality. Thus says Dr. Paul Reinsch: "The tendency to interpret extraterritoriality of foreigners in China as implying entire exemption from all duties ordinarily imposed by foreign governments upon persons residing within their territory is certainly not in accord with equity nor with sound policy." In the Circular of 1878 sent out by the Tsungli Yamen to the Chinese ministers abroad, the Chinese Government complained of such a violation of its sovereign rights in the following language:[61]

> As regards jurisdiction, i. e., extraterritoriality, by the treaties, for foreigners in China are not amenable to the jurisdiction of the Chinese authorities, i. e., they are extraterritorialized. As they have disputes among themselves, their own authorities are to settle them; if they commit any offense, their own authorities are to punish them according to their own national laws. But foreigners claim much more than this; they interpret this extraterritorial privilege as meaning not only that Chinese officials are not to control them, but that they may disregard and violate Chinese regulations with impunity. To this we cannot assent. China has not by any treaty given foreigners permission to disregard or violate the laws of China; while residing in China they are as much bound to observe as Chinese are. What has been conceded in the treaties in this connection is merely that offenders shall be punished by their own national officials and in accordance with their own laws. For example, if Chinese law prohibits Chinese from going through a certain passage, foreigners cannot claim to go through that forbidden passage in virtue of extraterritoriality. If they go through it, they thereby violate a Chinese law; their national officials are to punish them in

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[61] U. S. For. Rel., 1880, p. 178.

accordance with such laws as provide for analogous cases in their own country. In a word, the true meaning of the extraterritorial clause is, not that a foreigner is at liberty to break Chinese laws, but that if he offends, he shall be punished by his own national officials.

On the other hand, foreign powers have held an opposite interpretation, and thus the rule of construction set forth at the beginning of the first chapter ignored. The position taken by foreign powers was typically stated by George F. Seward, American Minister to China, who, in his memorandum to the Secretary of State, says:[62]

> While it may be admitted at once that justice and fair dealing require that foreigners offending against laws rendered necessary in China, as well as elsewhere, by a right regard to the safety and convenience of the communities in which they reside and of the government upon whose soil they stand, should be punished for their offenses, it appears difficult to admit the broad proposition that they are amenable to Chinese law in the same sense as natives of China are, or in point of fact, in any sense which would allow us to assent to the Chinese proposition.
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> It is not meant by this to assert that the only obligation of foreigners in China is to regard the laws of their own country. In actual practice it comes to this: that foreigners are bound to observe the laws of the Chinese Empire so far as they conform to the laws of their own country. It is an offense against China to commit a murder on Chinese soil. It would not be an offense against China if it was not against the law in China to do murder. The person so offending may be arrested by the Chinese, and they have the right to demand that

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[62] Ibid., p. 146; quoted by W. W. Willoughby, op. cit., 1st ed., p. 42.

> he shall be tried and punished; in the words of the treaty, “impartial justice shall be done in the premises.”
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> This principle may be carried further, and it may be said that we are bound to provide remedies in cases where the Chinese Government declares unlawful certain acts which are not themselves criminal but which becomes so in consequence of enactments made for the public advantage. It cannot be said that throwing ballast overboard in a stream is in itself an offense against law, but the throwing overboard of ballast in a stream when it is prohibited by Chinese law, must be considered an improper act, an offense against the nation, and, as such, we are under obligation to provide a remedy, either by acknowledging the validity of the law, adopting it, so to speak, or by enacting a law of our own to meet the case. . . . .

From the above-quoted statements it is clear that both the Chinese and foreigners recognize that aliens in China cannot violate with impunity the laws of China. Thus, they are expected voluntarily to comply with all Chinese regulations. In case an alien acts and behaves otherwise, and disturbs the internal peace of China, the Chinese Government can exercise the right of expulsion, which is one incident of sovereignty. In the case of *Fong Yue Ting v. U. S.*, the Supreme Court of the United States has said: “The right to expel aliens, ... or any class of aliens, absolutely or upon certain conditions, in war or in peace, [is] an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its independence, and its welfare.”[63] And Professor W. W. Willoughby has said that,

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[63] *Fong Yue Ting v. U. S.*, 149 U. S., 698, 711; see Wharton, International Law, II, 519.

"after admission, aliens, whether domiciled or not, may remain only so long as the state where they are sees fit to permit them to do so." [64]

In spite of the fact that her control over aliens residing within her boundaries is very much restricted, China has been bound by treaties to grant to aliens and everything appertaining to them special or the fullest protection of the local authorities of the Chinese Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or their property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officials are required to take the necessary steps for the suppression of disorder, the recovery of the stolen property, and the apprehension of the guilty parties, who are to be punished with the utmost vigour of the law of the land. In some treaties it is expressly stipulated that, for the purposes stated above, the local authorities, on requisition of the consul or without it, shall despatch a military force to the spot where the trouble occurs.[65] In other treaties it is also specified that the punishment of the guilty persons cannot prejudice the prosecution of suits against them by the injured parties to recover damages for the losses sustained.[66]

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[64] Willoughby, Constitutional Law, I, 251.

[65] For example, Article XI of the American treaty of 1858; Article XXXVI of the French Treaty of 1858; Article XVII of the Belgian treaty of 1865.

[66] See, specially, Article XXXVI of the French treaty of 1858; Article XXXVI of the German treaty of 1861.

Still, in other treaties, it is provided that, if the local officers fail to arrest the offenders, all that can be required of the Chinese Government is that it shall punish the said authorities according to the laws of China.[67] In a few treaties, aside from the general provisions for protection of aliens, the protection of missionaries in the interior is specifically mentioned. Thus, Article XIII of the French Treaty of 1858 reads in part: " An efficacious protection shall be granted to missionaries, who shall peacefully repair to the interior under regular passports."

However, the terms " special " and " the fullest," declaring the requisite measure to be taken by the local authorities for the protection of aliens residing within their jurisdiction, bear no extraordinary significance. They are not to be construed as granting greater protection than that given to the Chinese. In the words of Dr. Wellington Koo:[68]

> The measure of protection promised by the treaties for foreigners in China is variously described as being special, full and entire, and complete, or the fullest. But in view of the treatment of foreigners in China, immediately antecedent to the commencement of the Conventional period, and of the provision in the American treaty of 1844, reproduced in that of 1858, that citizens of the United States in China peacefully attending to their affairs are "placed on a common footing of amity and good will with subjects of China," it would appear reasonable to suggest that the different terms employed

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[67] See, specially, Article XVIII of the Danish treaty of 1863; Article XVI of the Spanish treaty of 1864.

[68] Koo, op cit., p. 337.

in predicating the requisite measure of protection all mean the same thing: that foreigners in China shall be protected by the authorities to the same degree as Chinese subjects are.

Be that as it may, foreign powers are ever alert to protect their missionaries residing in the interior. Whenever a crisis or an anti-missionary riot, actual or apprehended, occurs in the interior where the persons and property of missionaries are in danger, foreign warships are despatched to the scene of disturbance, if such access is possible, and marines go ashore to assist the local officials in carrying out protective measures.

Nowhere in the treaties, however, can we find any specific justification for such a practice. However, the Powers, in sustaining their practice, often resort to Article LII of the Sino-British Treaty of 1858, which provides:

> British ships of war coming for no hostile purpose, or being engaged in the pursuit of pirates, shall be at liberty to visit all ports within the dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water, and, if occasion require, for the making of repairs. The Commanders of such ships shall hold intercourse with the Chinese authorities on terms of equality and courtesy.

To hold that this article gives the foreign powers the right to despatch gunboats to inland ports for the purpose of protecting their nationals is clearly a violation of the rule of construction. What is actually granted by this article is nothing more than a recognition of the practice of nations, which permits in time of peace the innocent and inoffensive passage of the men-of-war or other public vessels of a foreign power through the territorial waters of every other state, and which does not deny them, as a matter of safety, refuge and anchor in the case of bad weather and necessary facilities. It is also generally accepted that foreign warships have the right of hot pursuit of pirates beyond the marine-league limit, pirates being the enemies of humanity.

While the Chinese Central Government has been sincere in its efforts to afford efficacious protection to missionaries, the local authorities have not always been inclined to grant the fullest protection to the missionaries residing within their jurisdictions. Thus, in the report of the commission sent by the American Government to China to investigate the anti-missionary riots of 1895 in Szechuan, it was stated that certain provincial officials failed to use their influence and the means at their disposal to prevent the outbreak of violence and to afford protection to the missionaries; and it was suggested that "the simplest and most efficacious policy for the cause is to insist that the local officials shall be held responsible and punished without further investigation than is necessary to establish the fact that such riots have occurred."[69] As a consequence, the American minister, at the suggestion of the Secretary of State, sent a draft to the Chinese Foreign Office, proposing certain measures for preventing the recurrence of anti-missionary riots. The third and fourth measures were as follows:[70]

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[69] U. S. For. Rel., 1896, p. 58.

> 3. The determination of and formal declaration by China by Imperial decree to hold responsible and promptly punish not only all individuals or minor officials directly or remotely involved upon the occurrence of any riot whereby peaceable American citizens have been affected in person or property or injured in their established rights, but also the viceroys or governors of the province in which it has occurred, who is directly responsible to the Throne for the acts and omissions of every one of his subordinates, although his only fault may be ignorance.
>
> 4. That the punishment of officials found guilty of negligences in case of a riot, or of connivance with rioters, shall not be simply degradation from or deprivation of office, but that they shall be, in addition, rendered forever incapable of holding office, and shall also be punished by death, imprisonment, confiscation of property, banishment, or in some other manner under the laws of China in proportion to the enormity of their offense.

In its reply, dated February 19, 1897, to this draft, the Tsungli Yamen conceded that the local authorities should be punished for not taking precautionary measures to prevent riots, but did not concede that the viceroys and governors of the province should be punished.[71] But, before long, the Chinese Government realized the seriousness of the anti-missionary riots. Therefore, on January 5, 1898, an Imperial

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[70] Ibid., pp. 63-64.

[71] Ibid., 1897, p. 68.

Edict was issued calling to the attention of the Manchu generals-in-chief, the viceroys, and the governors,

> that missionaries passing to and fro should be thoroughly protected according to treaty, as a precaution to some extent against calamity, and to prevent events taking a turn for the worse. If the magistrates rigidly adhere to their own settled views, vainly devote themselves to gaining an empty name, and do not estimate the gravity of this danger correctly, with the result that a little local difficulty spreads to an entire province, and affects very prejudicially the whole state, the responsibility will in every case be laid at the door of the Manchu Generals-in-chief, Viceroys, Governors, and other high provincial authorities.

Thus, the local authorities, high and low, were, for the first time, held responsible for the life and property of aliens residing within their jurisdictions.

Furthermore, in the International Protocal of 1901 China is held to strict accountability for suppression of anti-foreign riots. Thus Article X provides as follows:[72]

> The Chinese Government has agreed to post and to have published during two years in all district cities the following Imperial edicts:
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> (a) Edicts of 1st February (Annex No. 15), prohibiting forever, under pain of death, membership in any anti-foreign society.
>
> (b) Edicts of the 13th and 21st February, 29th April 9 and 19th August, enumerating the punishment inflicted on the guilty.

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[72] MacMurray, op. cit., I, 283.

(c) Edict of the 19th August, 1901, prohibiting examinations in all cities where foreigners were massacred or subjected to cruel treatment.

(d) Edict of the 1st of February, 1901 (Annex No. 16), declaring all Governors-general, governors, and provincial and local officials responsible for order in their respective districts, and that in case of new anti-foreign troubles or other infractions of the treaties which shall not be immediatory redressed and the authors of which shall not have been punished, these officials shall be immediately dismissed, without possibility of being given new functions or new honors.

The posting of these edicts is being carried on throughout the Empire.

Now, the burden imposed on the local authorities of the Chinese Government is indeed irksome. By reason of the rights of extraterritoriality, they are unable to control the missionaries effectively, and yet they are held directly and absolutely responsible for riots that may occur within their jurisdictions through no fault of their own. In fact, they are held to a quasi-guarantee of the security of persons and property of aliens residing within their jurisdictions. Especially irksome and unjust has been the burden imposed upon the high provincial authorities, who have had merely a nominal control over the local authorities. Furthermore, one has to recognize the fact that even the most efficient and honest authorities may find themselves unable to foresee or prevent unfortunate occurrences, and that the most perfect police system is neither omniscient nor omnipotent.

In this connection, we would do well to consider the general principles of state responsibility for acts of violence and oppression toward aliens committed within its territory. There is no hard and fast rule whereby the responsibility of a state is determined. As a general rule, state responsibility must depend upon the circumstances of each case. Unquestionable it is, that a state is originally or directly held responsible to the offended state, and not to its nationals, for acts of its agents, and must bear the full consequence of any violation of the laws of nations committed by them. Such illegal acts should be promptly disavowed and, if of sufficient importance, their authors should be punished and reparation made. But, in the absence of any fault on its part, a state is not responsible for acts of violence and oppression done to aliens.[73] In this connection the sole duty of the state is that of suppressing the riot and arresting and punishing the guilty persons, and that its courts shall be accessible to the injured parties. Further than this the state is not obliged to go. The responsibility of the state does not involve the duty to repair the losses which the aliens have sustained.

The non-responsibility of the state is obvious in the cases of internal disturbance or civil wars. *Nemo tenetur ad impossibile*—No one is bound to an impossibility. Furthermore, aliens are not entitled to greater privileges or immunities than the other inhabitants of the insurrectionary district. It is a well established principle of international law that by voluntarily remaining in a country in a state of civil war, aliens are held to have been willing to accept the risks as well as the advantages of that domicile.[74] Calvo denies most emphatically that a government can be held to strict accountability for any losses of injuries sustained by aliens in time of internal troubles or civil war. He maintains that to admit, in such cases, the responsibility of governments would be to create an exorbitant and fatal privilege essentially favorable to powerful states and injurious to weaker nations, and to establish an injustifiable inequality between nationals and foreigners.[75]

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[73] Oppenheim, International Law, p. 245.

It is also a general principle of international law that, in attempting to secure redress and justice, aliens must, in the first instance, have recourse to the local or territorial tribunals of the district in which they are domiciled or are sojourning. However, as there is an exception to every rule, we must admit that this rule has to be qualified. If local remedies are wanting or insufficient, the action complained of is in itself in violation of an international responsibility, or if there is undue discrimination against aliens on the spot by the authorities, redress may be had directly through diplomatic channels.

Having outlined the general principles of state responsibility, we proceed to consider the extent to which these principles are applicable to China. As already noted, China has been held to a degree of responsibility amounting to a quasi-guaranty of the security of persons and property of aliens, regardless of the circumstances of the cases. Anti-missionary troubles have been usually instigated by the gentry of the locality involved, but only in rare cases have the local authorities been involved. As the results of anti-missionary riots, China has had to pay out of her treasury large sums of money and to relinquish a number of strategic points of territory. Moreover, hundreds of officials have been humiliated. It is needless to say that such claims proffered by the aliens or their governments have been unjustifiable and exorbitant. In a word, the general principles of state responsibility have been disregarded by the foreign powers.

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[74] Moore, Digest of International Law, VI, 885.

[75] M. Charles Calvo, Le Droit International, 3rd ed., pp. 364-369, 434-438.

At this juncture, it is not out of place to state, though briefly, the views of the missionaries regarding the existing unequal treaties between China and foreign powers. Conscious of the force of the Chinese nationalism, missionaries have to some extent become sympathetic with China's aspirations. The missions in groups and missionaries as individuals have, in many cases, expressed themselves in favor of an early revision of the existing unequal treaties in such a way as to give effective application to the principles agreed upon in the treaty signed by nine powers in Washington, on February 6, 1922. These missionaries earnestly desire that extraterritoriality be abolished at the earliest possible date. Furthermore, they do not desire any distinctive privileges for missions and missionaries, and wish that their future legal rights and liberties shall be those freely accorded to them by China as a sovereign power.

THE QUESTION OF CLAIMS

As a result of violence against missionaries, China has been in the past compelled to pay large sums of money as indemnities. There is no way, however, of obtaining accurate estimates of total amount of indemnities paid by the Chinese Government to the parties concerned. What we actually know is rather sketchy. As a natural consequence of the Revolutionary upheaval in recent times, missionaries in China have suffered losses. The most famous incident is that of Nanking which occurred in 1927. It is only just to say that many missions have on this occasion made no claims for damages. For example, on January 17, 1928, the Prudential Committee of the American Board, at a full meeting, passed the following minute:

> Without prejudice to the general question of the rightfulness or wisdom of seeking government indemnities for injuries wrought upon property or personnel in its mission fields, the Prudential Committee declares that in view of the uncertainty of government and judicial conditions in China today, the likelihood that in any effort to seek just recompense for injuries sustained, the innocent would suffer rather than the guilty and that such procedures would be apt to increase

> misunderstanding of missionary purpose and spirit, the American Board will not in this situation present any claim through the American Government to the Chinese national or provincial governments for damage done to life or property; and, while recognizing the right of its missionaries as American citizens to present personal claims to their Government for its advocacy, it will not encourage such individual action.[75a]

As far as the writer can ascertain, no British mission has made any claim for damages and four American missions, the Methodist Episcopal, the Northern Presbyterian, the United Christian Missionary Society and the Northern Baptist, have announced their decision to make no claim anent damages at Nanking.

Some mission boards or societies have held that they, as a corporate body, have the right to claim compensation for the murder of their missionaries. Thus a mission board in New York in 1905 maintained:[76]

> The board holds that whatever may be the legal technicalities involved, it has large financial interests in the missionaries whom it sends out upon whom its work depends, that the murder of those missionaries involves the board in heavy financial loss, and that if the board should elect to demand indemnity for such loss, our government should recognize the equity of its contention.

[75a] The Chinese Recorder, March, 1928, p. 197.

[76] John W. Foster, "International Responsibility to Corporate Bodies For Lives Lost By Outlawry," in American Journal of International Law, IV, 8.

To point out the error of such a claim, we can do no better than quote the words of John W. Foster:[77]

> Let us examine this position a little more fully. The board in question owes its legal existence to the incorporation acts of the State of New York. Under the common law the death of a human being is not the ground of an action for damages, and no compensation therefor or for any resulting loss is recoverable. This rule of law, however, has been modified in most of the states of the Union, including New York, by statutory enactments, but these acts are to be strictly construed. The Code of Civil Procedure of the State of New York authorizes a suit to be maintained for the benefit of a husband, wife or next of kin, to recover damages for a wrongful act, neglect, or default, by which the decedent's death was caused; the damages received are exclusively for the benefit of the husband, wife or next of kin; and the damages are to be awarded on a fair and just compensation for the pecuniary injuries resulting to the person for whose benefit the action is brought.
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> It must be clear that a mission board or other corporate body, deriving its authority from the State of New York, cannot maintain an action in that state for damages resulting from the death of one of its employees by the wrongful act, neglect, or default of any party or authority whatsoever. It is difficult to understand how a board or corporation, which is thus incapacitated in its own domicile, can acquire a right to maintain a claim for such damages before its own federal government.

[77] Ibid., pp. 8-9.

CHAPTER III

INTERNATIONAL COMPLICATIONS

In the preceding chapter we have considered the complexity and difficulty of controlling and protecting Christian missionaries in China. Out of such an intricate situation has arisen, with a discomforting frequency, serious complications between China and other powers. In the words of Empress-Dowager Tzu Hsi, "These missionary complications are perpetually creating troubles for us."[1] As a consequence of these complications, it was always China which became the victim, irrespective of extenuating circumstances. Thus, no matter whether China was legally guilty or innocent in a given anti-missionary riot, she was obliged to repair the losses sustained by the missionaries and to pay indemnities for their deaths. In other words, the general principles of state responsibility were denied to China, and, therefore, she was held to strict accountability for the security of the persons and property of missionaries. It was not for China to ask the reason why: hers was but to obey and pay. Moreover, her suggested preventive measures against the recurrence of anti-missionary troubles were rejected. On the other hand, the powers have made no earnest efforts to devise a uniform and feasible plan whereby anti-missionary troubles might be warded off in the future, and this root of international complications eradicated. We shall presently see that the blood of martyrs has truly been the seed of foreign aggrandizements in China.

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[1] J. O. P. Bland and E. Backhouse, China under The Empress Dowager, Lond., 1910, p. 78.

CAUSES OF CONFLICT

The very fact that a new religion, ism, theory, doctrine, principle, or what-not, aims at the radical transformation of the *status quo* is sufficient to create trouble between its adherents and non-adherents. Medieval history is replete with accounts of religious persecutions. The attacks on democracy are still fresh in our memories. At the beginning of the French Revolution, democracy was met with bitter opposition. At present, communism is under a fusillade of criticisms. In short, no new idea has ever been accepted without criticism. Is it, therefore, to be wondered at that the spread of Christianity in China should also have been attended with difficulties? In the following pages the writer attempts to search, in a spirit of disinterestedness, the major causes that have given rise to anti-missionary troubles.

At the outset, it is of importance to bear in mind that the animosity of the Chinese towards the Christian missionaries was not due to an *odium theologicum.* In point of fact, the Chinese are well known as a tolerant people. In China nothing corresponds to the denominational rivalry in Christian lands. Confucianism, Taoism, Buddhism, Mohammedanism, etc., exist together in China in harmony and concord. One and the same person may be a devotee of Confucianism, Taoism, and Buddhism at the same time. The Chinese are broadminded enough to appreciate the valuable doctrines of all religions and are willing to absorb the good of all of them. As history reveals, foreign religions were received with hospitality and consideration. Buddhism was introduced into China about 66 A. D. by means of an embassy to the west despatched by the Emperor Ming Ti. Nestorian priests in China were not only tolerated, but also granted imperial favors. Likewise, early Catholic missionaries in China received, in the main, the most friendly treatment that could be expected of a foreign country.

To be sure, Buddhism and other cults were, in many instances, subjected to persecutions, especially during the Tang Dynasty. However, they were persecuted, not because of their religious faiths as such, but for political and sometimes social reasons. In the words of Dr. H. C. Chen: "Throughout the whole of Chinese history, no blood has been shed on account of religious controversy. In a word, China enjoys complete religious freedom."[2] Concerning the truth of this statement there is almost an unanimity of opinion among foreigners, including missionaries. Thus R. F. Johnston says:[3]

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[2] H. C. Chen, Economic Doctrines of Confucius and His School, N. Y., 1911, p. 61.

[3] R. F. Johnston, Buddhist China, p. 10.

> It is true, no doubt, the Confucian statesmen have been guilty from time to time of persecuting Buddhism and other cults, which were, or were believed to be, irreconcilable with Confucian teachings; but such persecutions have been undertaken on political and social grounds, not with the aim of crushing or penalizing religious opinions as such.

In another connection, he says:[4]

> Both before and after the eighteenth century of our era the Buddhists were indeed, subjected to spasmodic and sometimes very severe persecutions at the hands of orthodox Confucianism, but the Chinese are an essentially tolerant people, so far as religious beliefs, as such, are concerned, and most of the "persecution" would scarcely be regarded as deserving of so disreputable a name if they had taken place in Western Europe, instead of Eastern Asia.

To the same effect says Professor Parker:[5]

> The state of things that existed in Europe at the time of Reformation and the Inquisition is hardly conceivable in China, where fanaticism and religious zeal are quite foreign to the educated and the ignorant temperament alike. Such religious persecutions as have taken place have always been commanded from above, and have never burst out in the form of spiritual popular enthusiasm; they have always had a political and anti-foreign substratum, ...

President Frank J. Goodnow, of the Johns Hopkins University, says:[6]

> There have been, it is true, attempts made to suppress both Buddhism and Taoism when these religions, if such they may be called, have endeavored to obtain political control. There

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[4] Ibid., p. 87.

[5] E. H. Parker, Studies in Chinese Religion, p. 24.

[6] F. J. Goodnow, China: An Analysis, Baltimore, 1926, p. 81.

have also been one or two instances of a ruthless suppression of Mohammedanism where the Mohammedans have tried to rebel against the central government, but as a general thing the pages of Chinese history are free from stories of religious wars and ecclesiastical intolerance finds there a very small place.

In contravention to the above-quoted statements, J. J. M. de Groot firmly maintains that Confucianism has engaged in the bloodiest religious persecutions in all human history.[7] This erroneous belief is claimed to be based on Chinese documents and imperial edicts. Apart from these sources, de Groot made little, if any, attempt to study the temperament and psychology of the Chinese people. Neither did he take the trouble to find out the underlying motives of the various persecutions which he described. It is the characteristic of the Chinese, especially of the literary class, that they seldom betray their real motives in a given course by putting them in black and white. Therefore, any conclusion drawn exclusively from documents and edicts is bound to be superficial. No one would understand the powers of the Federal Government of the United States if he merely studies the provisions of the Constitution, without looking up the interpretations or decisions of the courts.

De Groot holds the belief that every sect not in conformity with the orthodox Confucianism was proscribed. He, therefore, ignores the fact that the various sects or cults were subjected to persecutions, simply because of their secret and superstitious nature. It is but natural for a government to put down every sect or secret society that is, or is believed to be, inimical to its very existence; and it is indeed the duty of a government to prohibit superstitions which corrupt the morals of the people. In reality, this cannot be called religious persecution. Plural marriage, though upheld formerly by Mormons, was prohibited in the United States. Can we call this religious persecution? During and after the World War many anarchists in the United States were thrown into prison. Certainly we would not regard this as religious persecution. That is really what was provided for by the various imperial edicts and laws, which were, by the way, never effectively enforced.

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[7] J. J. de Groot, Sectarianism and Religious Persecution in China, I, 378; Chinese Recorder, 1921, pp. 235 ff., 341 ff., 397 ff.

Thus it is clear that the Chinese have had no religious hatred, and that, as long as the propagators and the professors of a new religion remained peaceful in the country and did not meddle with politics, they were not subjected to persecution. But, on the contrary, as soon as a new religion was used for political purposes, persecution sprang into existence. Hence, when the heated controversy over the Chinese rites among the various orders in the 18th century assumed a political significance, the Chinese emperors promulgated edicts prohibiting Christianity. Even then, however, many missionaries remained in the interior by sufferance of the local authorities and with the good will of the inhabitants.

Notwithstanding the fact that these edicts were revoked in 1844 and that toleration was finally stipulated in the treaties of Tienstin (1858), the roots of antagonism against the Christian missionaries have not yet been eradicated; that is to say, Christian missionaries in China are still inextricably intertwined with the temporal powers, by reason of the very fact that toleration of Christianity was extorted from China by force in the same manner as opium traffic was legalized.[8] It was Lord Curzon who remarked:[9]

> China can never forget the fact, unlike the Christians in early Rome, in early Gaul, or in early Britain, they owe their admission here to no tacit acquiescence on her own part, much less to any expressed desire; but solely to coercion of a superior and victorious strength. Each station is a sardonic reminder to them, that they have been made to pass under the Caudine Forks. Nay, not merely does it recall the national humiliation, but it is also a badge of the continued ascendency of an alien power, still maintained, as it was originally introduced, by force. Nor is this impression diminished by the attitude of the missionaries themselves, many of whom, though they buckle on their armour as the soldiers of Christ, remember only, in times of peril, that they are citizens of this or that Empire or Republic, and clamour for a gunboat, with which to insure respect for the Gospel.

[8] See Cheefoo Agreement, July 18, 1885, Hertslet, I, 84-88.

[9] Quoted by R. N. Cust, Evangelization of the Non-Christian World, pp. 54-55.

To the same effect says Alexander Michie:

> Toleration of Christian missionaries, extorted by force from China, placed Christians on a different platform from other foreign religions, Mohammedanism, and Buddhism, to which China of its own notion extended complete toleration, Christianity is therefore associated with the humiliation of the Empire, a calamity which is yet fresh in the memory of the living generation.

In the mind of most of the Chinese, Christian missionaries have come to China to advance the interests of their own governments. They believe that the missionaries pretend to come to China for the people's benefit, but that, in reality, each and every one of them is an agent of some foreign government. Such a belief has not been wholly without a reasonable basis. When the Chinese review the history of China's foreign relations, they are astonished to find the long series of aggressive and un-Christian acts to which China has been subjected ever since the commencement of her foreign intercourse. They also learn of the numerous compensations or indemnities demanded of China by the so-called Christian powers whose missionaries have been murdered or whose property has been destroyed during riots. Such policies pursued by the Christian powers leave in the mind of the ordinary Chinese a certain definite impression as to what Christianity in reality is. As a result, he naturally confounds politics with religion, and regards the latter as serving the ends of the former.

It is, therefore, not too much to say that Christian missionaries in China suffer, not because they are propagating a foreign religion, but because of the fact that they are connected with the foreign oppressors of China. This statement, however, needs some qualification or at least explanation. The Chinese people are by no means haters of aliens as such, regardless of their conduct. History tells us that the Hebrews flocked to the western parts of the Chinese empire to escape persecution in Egypt, and that they established for themselves in the Province of Honan a colony of their own without molestation and interference from the Chinese. In the Middle Ages there was an influx of aliens into China and the Chinese emperors entertained no opposition. In fact, aliens then enjoyed many privileges and ample protection. The story of Marco Polo is too well known to need any remarks, and the favorable reception given to Calvino and other Catholic missionaries during the Mongol Dynasty is familiar to all missionaries. In a word, aliens were placed by the imperial government practically on the same footing as its own subjects. However, at the beginning of the sixteenth century the benevolent attitude of the Chinese government began to change. For the first time it adopted the closed door policy, and, instead of treating aliens liberally, it put irksome restrictions on them. The reason for this sudden change of policy is not hard to seek. It lay in the aggressive and unscrupulous actions of the Portuguese, Dutch, Spaniards, and English. They were the disturbers of peace and order. This, accordingly, excited Chinese animosity toward foreigners, and, in turn, against their religion. This animosity toward foreigners was frequently translated into riots, which occurred most frequently in the interior, where the missionaries were first attacked, because they were within reach, and because they were far away from the foreign gunboats.

The next cause of friction has lain in the assumption of superiority and the arrogant attitude of many of the missionaries. Tainted with the materialistic civilization of the West, and bound by their own prejudices, tastes, modes of thought, and plans of work, they have seldom been willing to adapt themselves to the environment in which they labor. Some even go so far as to think that a Chinese is not soundly converted to Christianity until he learns to eat with a knife and fork, or is not validly married until he conforms to western usage in this respect. They fail to adjust missionary methods to the changing conditions, and they make no due allowances for racial prejudices and the variability of human nature. Even in the matter of building churches, they seldom conform to the Chinese style, nor do they take into consideration the Chinese prejudices, especially in regard to *fengshui,* which, though considered superstitious, has given rise to many instances of outbreak against missionaries. Moreover, missionaries often deride every phase of Chinese civilization, including ancestral worship and the respect paid to Confucius.

It is customary for the Christian missionaries to assert that Mohammedanism is propagated by the sword, whereas Christianity is propagated by peaceful means. To the Chinese such assertion appears groundless; to them Christianity is most intolerant. It was Lord G. Curzon who remarked that:[10]

> The missionaries adopt an attitude of implacable hostility, to all native religions and ethics, ignoring alike their virtuous aspects and influence, the all-powerful hold which they have acquired upon Chinese character, and the sanction lent to them by venerable antiquity. Particularly is this the case with regard to ancestor-worship, with which they decline all parley; although a rare retort would appear to be open to a Chinaman in England, who accidentally found his way into Westminster Abbey or St. Paul's . . . . The Chinaman who is entirely content with his own religion, and only asks to be left alone, is assailed by a propaganda that can with an attack upon all that he holds most dear. . . . . Small wonder that a propaganda, which thus lays the axe to the very root of the tree, should encounter the stubborn resistance of all those who have been accustomed to seek shelter under its branches. If the evangelist of some new faith were to appear in England, drawn from a race whom he hated and despised, and were to commence their preaching by denouncing the Bible, and crying Anathema upon the Apostles' Creed, what sort of a reception would they meet with?

Probably, as a result of such an insult to the Chinese civilization (an insult inevitably invites disturbances of public peace) the British Government, in 1904, by Order of Council, promulgated regulations[11] governing the punishment of any British subject who should publicly deride, mock, or insult any religion established or observed within China.

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[10] Problems of the Far East, p. 205.

Upon their return to their countries missionaries have in some cases lectured and written books on China and her people, portraying the darkest side of Chinese society, and ignoring many of the fine points of Chinese civilization. Much of the conception in the West regarding the corruption of the Chinese is undoubtedly attributable to the fact that the chief authorities on Chinese life and customs have been missionaries. They have been tempted, though sometimes unconsciously and honestly, to show the need of their existence in China by proving that the Chinese are utterly demoralized and that without Christian teachings the body and soul of a Chinese cannot be saved. Is it to be wondered at that many of the literati of China have harbored hatred against missionaries?

Another cause of friction is that, by virtue of extraterritoriality and of the right to hold property in the interior and to reside there, missionaries have literally established an *imperium in imperio.* Through their recklessness in penetrating remote and dangerous regions, or through their stubbornness in remaining there after troubles have broken out, many missionaries found themselves involved with the Chinese in troubles which afforded their governments pretexts for further aggrandizements. And high-handed methods in dealing with troubles brought forth in their wake many more troubles. As has already been stated, anti-foreign riots happened most frequently in the interior and, therefore, any indiscreet actions on the part of the missionaries would invite trouble for themselves. It is well recognized, even by missionaries themselves, that many crises in China were brought about by missionaries.

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[11] Hertslet, op. cit., II, 862.

In this connection it is of importance to point out that the clause of the French Convention of 1860 stipulating for the restitution of church property which had been demolished or confiscated during the period of official persecutions in the 18th century gave rise to many anti-missionary riots. The proceedings of the Roman Catholic missionaries were really illegal as we may see from the following paragraph taken from the memorandum of the Tsungli Yamen upon the missionary question.[12]

> In the interest of peace it will not do for the missionaries to be demanding restitution of any chapel they may choose to indicate. During the last few years the restitution of chapels in every province has been insisted upon without any regard for the feeling of the masses, the missionaries obstinately persisting in their claims. They have also pointed out fine handsome houses (belonging to, or occupied by, the gentry or others) as buildings once used as churches, and these they have compelled the people to give up. Places even the surrender of which was a question of dignity improper (probably

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[12] Parl. Papers, China, No. 1, 1872, pp. 4-14.

Yamens are meant), with meeting-houses, clubs, temples—all such places being held in high respect by the gentry and people of the whole neighborhood—they have forced from them for the benefit of the Church in lieu of other lands or buildings. Buildings which were once used as chapels have been in some cases sold years ago by Christians; and, having been sold and resold by one of the people to another, have passed through the hands of several proprietors. There is also a large number of buildings which have been newly repaired at very considerable expense of which the missionaries have insisted on the restitution refusing at the same time to pay anything for them. On the other hand, there are some houses which have become dilapidated, and the missionaries put in a claim for the necessary repair. Their conduct excites the indignation of the people whenever they come in contact with each other, and it becomes impossible for them to live quietly together.

Another cause of friction lay in the fact that Catholic missionaries arrogated to themselves official ranks. Father Ripa deplored this in the following language:[13]

> If our European missionaries in China would conduct themselves with less ostentation and accommodate their manners to persons of all ranks and conditions, the number of converts would be increased, for the Chinese possess excellent natural abilities, and are both prudent and docile. But they have adopted the lofty and pompous manner known in China by the appellation of "Ti-mien." Their garments are made of richest materials; they go nowhere on foot, but always in sedans, on horseback, or in boats, and with numerous attendants following them. With a few honourable exceptions, all the missionaries live in this manner.

[13] Quoted by A. Michie, China and Christianity, p. 83.

Such ill-conduct on the part of the missionaries naturally aroused the antipathy of the Chinese officials, who found such a situation a spark to start a great conflagration. Interference in Chinese lawsuits constituted an allied cause of friction. As already stated in Chapter II, such a state of affairs was clearly illegal. Many instances of anti-missionary riots are traceable to such an illegal act on the part of the missionary.

Added to the causes of friction contributed by missionaries, have been the indiscreet acts of Chinese Christians. The very fact that a Chinese associated with the contemptible foreigners was alone sufficient to separate him from the rest of the members of the Chinese society. Coupled with this was the fact that Chinese Christians, relying upon the missionaries as protectors, oppressed the non-Christian Chinese, breaking the idols and insulting the objects of public worship. Thus, by such indiscreet acts, they enraged the non-Christian Chinese, and, therefore, there arose continual feuds between Christians and non-Christians.

All the above-mentioned causes have contributed to the animosity of the Chinese, especially the literati, who considered it an insult that they, disciples of Confucius and descendants of Hwangti, should be lectured to and exhorted by men whom they considered barbarians. Moreover, as a rule, few missionaries have been well versed in the Chinese classics, which fact has made the literati all the more contemptuous of the missionaries. This attitude of the Chinese literati accounts for the fact that most of the so-called anti-missionary riots were instigated by them, and that it was they who invented the most fantastic stories about the doings of the foreign ecclesiastics, to which the ignorant masses lent a credulous ear. In the following pages we shall describe but a few of the many international complications arising out of the hatred of the Chinese for Christian missionaries.

THE MURDER OF CHAPDELAINE

For a long time the powers, particularly Great Britain and France, dissatisfied with the rights already provided for in the treaties of 1842-1844, had contemplated the revision of treaties with China. The latter, however, considered it untimely and unnecessary. Therefore, the powers had recourse to force; Great Britain found her pretext in the *Arrow* episode,[14] while France found hers in the following incident.

Father August Chapdelaine, a priest of the Seminary of Foreign Missions in Paris, who had established himself in the district of Silin, Kwangsi, in contravention of the two rescripts expressly prohibiting missionaries to propagate their faith in the interior, was arrested on February 24, 1856, by the district magistrate and, finally, strangled to death. The authentic information of the murder reached Canton after a lapse of five months. On July 25, the French envoy, M. de Courey, wrote to Yeh Ming-Chin, the High Imperial Commissioner at Canton, stating that the murder constituted a flagrant treaty violation, and asking for a personal interview on the subject.[15] In his reply Yeh declared that, according to the treaty provision, the missionaries were restricted to the five open ports,[16] and pointed out that Kwangsi was then very much disturbed by bandits, who asserted that they were Christians; in fact, many were Christians actually taking part in the revolt, the Taiping Rebellion.[17] Dissatisfied with the reply, the French envoy formulated his demands for redress in the following terms: [18]

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[14] On October 8, 1856, a Chinese Hongkong-registered lorcha, named *Arrow*, was boarded by four Chinese mandarins and nearly forty soldiers. They hauled down the British flag and arrested all the Chinese crew, who had been charged with participation in an act of piracy previously committed at Shangcheun, Kwangtung. The British authorities at Hongkong lodged protestation against this action of the Chinese soldiers. The status of the lorcha was questioned concerning the following points, namely; ownership, right to registration, the presence of the flag, and the expiration of the sailing-letter. Having failed to obtain certain concession and acknowledgments from China, Great Britain began hostilities.

1. The degradation and exile of the Silin magistrate;
2. An official dispatch from the High Imperial Commissioner declaring that this act of justice had been done;

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[15] H. Cordier, Expedition de Chine de 1857-1858, p. 24.

[16] See above, p. 23. The presence of the missionary in the interior was certainly a violation of the two imperial rescripts. But inasmuch as foreigners enjoy extraterritoriality, the proper course for the magistrate to adopt was to apprehend the missionary and hand him over to his consul for adequate punishment.

[17] H. Cordier, Expedition de Chine de 1857-1858, p. 30.

[18] Ibid., p. 31.

3. An imperial edict signifying the degradation of the magistrate, and declaring that similar punishment would be inflicted on anyone who in the future so violated the provisions of the treaty.

After receiving no answer from the Chinese Government, France decided to join Great Britain in the war against China.

During the war, Baron Gros was appointed *Commissaire-extraordinaire et plenipotentiaire.* In the course of the negotiations, he was instructed by his government to make demands similar to those formulated by Lord Elgin, the British High Commissioner and plenipotentiary, though special stress was laid upon securing reparation for the murder of Father Chapdelaine. Hence, while in Hongkong, Baron Gros declared that he should hold Yeh personally responsible. On December 12, 1856, he wrote to the High Commissioner emphasizing the gravity of the murder, and, together with the demands already made by M. de Courey, he demanded a pecuniary indemnity for the family of the murdered missionary. In the Tientsin treaty between China and France, signed on June 27, 1856, however, nothing was mentioned concerning the murder of Chapdelaine; only an article providing for the toleration of Christianity was inserted.[19] But, in the supplementary articles to the treaty, the following provisions were made:[20]

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[19] Cordier, Relations, I, 26.

[20] Hertslet's China Treaties, I, 385.

Article I: Le magistrat de Si-lin-hien coupable, du meurtre du Missionaire français, Auguste Chapdelaine sera, sera degrade et declare incapable d'exercer desormais aucun emploi.

Article II: Une communication officielle adressée à son Excellence Monsieur le Ministre de France en Chine lue annoncera l'execution de cetto mesure, qui sera rendue publique et motivee convenablement dans la Gazette de Pekin.

As a result of this war, missionaries, as well as other classes of aliens, were permitted to travel in the interior, under passports. For the first time, we may recall, toleration clauses were inserted in the treaties; and Christianity in China was put on an equal footing with the other religions. This was the first instance which clearly showed that France was not slow in using missionaries to establish her influence in China.

FRENCH EXPEDITION TO KOREA, 1866

Christianity was introduced into Korea in 1794 in defiance of the laws of the country, which were draconic in their severity against all priests or pretenders to supernatural authority. Such being the case, Catholic priests and their converts were frequently subjected to persecutions. In 1839, three French Catholic priests were decapitated. In 1866, two Roman Catholic bishops, nine priests, and many converts were executed, presumably at the instigation of high authorities. Thereupon, M. de Bellonet, the French chargé at Peking, demanded that China, as suzerain of Korea should punish her ruler for the crime. Prince Kung of the Tsungli Yamen declined any responsibility for the Korean persecution. Failing in this, the French chargé declared his resolve to take affairs into his own hands and annex the Hermit Kingdom. Moreover, he posted placards about the streets of Peking promulgating the fact. Meanwhile, a naval expedition consisting of seven ships, under the command of Admiral Roze, was dispatched to Korea. Professor Fredrick Wells Williams characterized this as the first revelation to the Chinese mind of possible dangers involved in militant Christianity. Although many ports on the Korean coast were bombarded, the expedition was a "melancholy failure," Korean authorities declining to open negotiations. In commenting upon this expedition, A. Michie says:[21]

> It revealed the innermost hearts of the foreigners with a vividness not to be forgotten; it was the whole missionary question, from the Eastern point of view, in a nut-shell. To violate the laws and teach the natives to do so, and then appeal to foreign governments to back them in this insidious form of rebellion . . . . that was the function of the missionaries. The foreign government thereupon, lays claim to the territory, and so the conspiracy is crowned.

THE YANGCHOU RIOT

Two years later, the missionaries of the China Inland Mission in the city of Yangchou, Kiangsu, were accused of kidnapping children for the purpose of boiling them up for medicine, of scooping out the eyes of the dead bodies, of cutting open pregnant women to make medicine of the embryo infants, and of administering to the Chinese drugs and philters, which turned them into foreigners. Placards were everywhere posted and a riot was expected. On August 22, 1868, a rumor had it that more foreigners had come and that 24 children were kidnapped. Soon a mob gathered together in front of the mission premises, and later broke into the buildings, which they set afire. The occupants barely escaped with their lives to a neighboring house. This outrage aroused the fear of the foreigners in China. After failing to obtain any redress from the local authorities, Mr. W. H. Medhurt, then the British consul at Shanghai, formulated the following peremptory demands for reparations:[22]

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[21] A. Michie, the Englishman in China, II, 175 ff.; see also U. S. Dip. Corresp., 1866, I, 536-537.

1. The magistrates who had neglected to afford protection should be degraded.
2. Two thousand taels should be paid as compensation for loss and injuries sustained.
3. The Missionaries should be officially welcomed back.
4. Certain literati who were accused of instigating the riots should be punished.
5. There should be erected on the spot a stone tablet narrating the circumstances of the riots, condemning it, and setting forth that foreigners have a right to visit the interior, and to be treated with courtesy.

In reply to these demands, Tseng Kwoh Fan, then the viceroy of Nanking, expressed his willingness to comply with the first three. But, those providing for punishment of the literati and the erection of a stone tablet, he opposed in the most emphatic terms. Sir Rutherford Alcock, then the British minister at Peking, authorized Mr. Medhurt to renew his demands and to back them up with a naval squadron anchored off Nanking. Consequently, the Viceroy had to yield to the demands of the British consul and an arrangement was made between the viceroy and the consul which resulted in the formation of a commission composed of two officials of rank to accompany the consul to Yangchou with a view to holding an inquiry into the case. At the close of the investigation, the commission issued the following proclamation:[23]

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[22] R. S. Gundry, China, etc. p. 204.

> Whereas we have received the instructions of their excellencies, the High Ministers for foreign trade, Ma and Tseng, to adjust matters at Yangchau, we find that on August 22, 1868, evil-disposed persons excited the people of Yangchau to enter the house rented by the British subjects, Taylor and others, and violently assaulted and plundered the inmates, so as to lead to their eventual ejection from the premises, some of them in a seriously wounded condition; and whereas the local authorities were clearly guilty of having neglected to avert the evil in the first instances, ... it, therefore, became the duty of the high authorities, after clear examination had been made into the circumstances, to order the degradation of the city officials, the condign punishment of the ringleaders, the grant of due compensation to the sufferers, the repair of the house, and the restoration of its former inmates.

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[23] Robert E. Speer, Situation in China, pp. 206-207.

All this having been done, as a matter of simple justice, it now becomes our further duty to issue a public proclamation; and this proclamation is, therefore, issued for the purpose of making it clearly understood to all men, high and low, that British subjects possess the liberty to enter the land for the pursuit of their lawful purposes, under the treaty granted by His Most Gracious Majesty the Emperor; and that anyone who presumes to insult or annoy such persons in any way shall meet with condign punishment. Local authorities everywhere, moreover, are to see that they extend due protection to British subjects who may have occasion to appeal to them for assistance or redress.

Subsequently the Yangchau prefect and magistrate were cashiered; the actual value of the property destroyed was paid; and a stone tablet was erected in the mission premises. This put an end to the Yangchau case, but it was only one of a series of riots in the empire; everywhere the mobs held demonstrations, and the hatred of missionaries gradually became so intense that it culminated in the outbreak of Tientsin.

THE TIENTSIN MASSACRE

In order to have a clear account of the massacre, we can do no better than quote the despatch dated July 27, 1870, sent by Mr. Frederick F. Low, then the American minister at Peking, to the Department of State. A portion of the despatch reads as follows:[24]

Finding that the Chinese were averse to placing children in their charge, the managers of these institutions (orphanages) offered a certain sum per head for all the children placed under their control given to them, it being understood that a child once in their asylum no parent, relative or guardian could claim or exercise any control over it. It has been for some time asserted by the Chinese, and believed by most of the non-Catholic foreign population residing there, that the system of paying bounties induced the kidnapping of children for these institutions for the sake of the reward. It is also asserted, and I believe it to be true, that the priests and sisters, or both, have been in the habit of holding out inducements to have children brought to them in the last stages of illness, for the purpose of being baptised *in articulo mortis.* In this way many children have been taken into these establishments in the last stages of illness, baptised there, and soon after taken away dead. All these acts, together with secrecy and seclusion which appear to be a part and parcel of the regulations which govern these institutions of this character everywhere, have created suspicions in the minds of the Chinese and these suspicions have engendered an intense hatred against the sisters on the part of all the common people who live anywhere near a mission; and any rumour concerning the sisters or their acts, however improbable or absurd, found thousands of willing and honest believers among the ignorant and superstitious people. Sometime about the end of May or beginning of June an epidemic prevailed at the sister's institutions at Tientsin, a considerable number of children died. In some way the report got abroad that the sisters were killing the children to get their eyes and hearts for the purpose of manufacturing some sort of a medical specific, much sought after in Europe, and commanding a fabulous price. This report spread from one to another, and soon the belief became general among the people, not only in Tientsin, but for many miles around. I heard of an excitement as early as the fifth of June. Crowds of people assembled from time to time near the mission buildings, indulged in excited and angry conversation, and on more than one occasion demanded of the sisters that the children be liberated. It is said that one day the crowd became so noisy and violent that the sisters, fearing the violence of the mob, consented that an examination should be made by a committee of five. The consul, hearing of the disturbance, made his appearance about this time, and, although the committee had been selected and were then in the building, he stopped the whole proceeding and drove the committee from the building with angry words, and some say he used his cane in expelling them.

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[24] Foreign Relations, 1870, pp. 355-356.

On June 19, 1870, the district magistrate, accompanied by a delegate of Chunghow, superintendent of the customs of the north, called upon the French consul, M. Fontanier, "with the intention of bringing about, on the spot, an official search at the domicile of the sisters and of the Lazarist Missionaries."[25] But the consul was obdurate and high-handed, and said that the magistrate was not competent to deal with him. The next morning a visit from Chunghow to the French consul resulted in an agreement that the Intendant, Prefect, and Magistrate, with the prisoner Wu-Lang-chen, a supposed kidnapper, would go to the Roman Catholic establishments and investigate for themselves. The result of the investigation was to show the falsity of the rumor. Notwithstanding the investigation, the misgivings of the populace were not dispelled. Hence, on June 21, the popular rage reached a high pitch and the French consul and the assistant of the consulate proceeded to the yamen of Chunghow with a view to obtaining protection.

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[25] MacNair, Chinese Modern History, p. 445.

We have in the report of Chunghow himself to the Tsungli yamen the following interesting account of what actually happened during and after the interview:[26]

> On going out to meet him, I saw that the Consul, whose demeanour was furious, had two pistols in his belt, and that a foreigner who accompanied him was armed with a sword. They rushed towards me, and as soon as M. Fontanier came up to me he began talking in an indecorous manner, drew a pistol from his belt, and fired it in my presence; the shot fortunately did not take effect, and he was seized. I could not accept M. Fontanier's challenge, and so withdrew. On entering the room he began to break up the cups and other articles on the table, keeping up at the same time an incessant storm of abuse. I went out again to see him, and told him that the crowd (outside) had a very threatening aspect; that as the entire fire brigade was with them, evidently intending to assist. I was afraid of a disturbance and advised him not to go outside. He, however, reckless of his life, rushed out of the yamen. I sent some men after him to escort him (on his way). M. Fontanier met Magistrate Lin who was (endeavoring) to control the mob, and who tried to keep him back . . . . but he fired at this officer, hitting one of his servants. The mob . . . . enraged at this outrageous conduct on the part of the consul, at once pursued, surrounded, and killed him; they then set fire to the Cathedral, but the fire was put out before it had time to spread. They also destroyed the establishment of the Sisters of Charity, and the Protestant Chapel inside the city. At this time, while the mob was raging it was repressed by me, in conjunction with my col-

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[26] MacNair, p. 447.

> leagues civil and military, and by a force sent by myself, while I sent information to the consuls to allay their apprehensions, informing them of the steps I had taken.
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> The mob found 10 children in the establishment of the Sisters of Charity. The excitement is subduing. This is a true account of the origin and progress of the disturbance.

The total number of victims amounted to 20 foreigners, including three Russians.

Being aware of the gravity of the outrage, the foreign representatives at Peking, on June 24, addressed a collective note to the Tsungli Yamen, stating in part as follows: [27]

> It is therefore for the interest of the Imperial Government itself to demonstrate, by the clearest acts, its firm intention to assure the safety of all foreigners who have trusted themselves to its fidelity, wherever they may be within the confines of the Empire. If such a catastrophe as this could happen only 80 miles from the capital, the undersigned cannot but fear that unless the guilty persons are promptly punished, new attempts will be made on places further from the capital, where the authority of the central power has less efficiency. It is indispensable that, as other countries hear the tidings of this crime, they should at the same time be informed that justice is being done; and thus each of them will be reassured as to the condition of its citizens who have trusted themselves to the protection of China.

In reply to the note, the Tsungli Yamen assured the foreign representatives that "the most stringent orders have been sent to several governor-generals and governors to enjoin upon their subordinates to exert the utmost diligence in protecting foreigners of every class residing within their jurisdictions.''[28] And on June 26, an imperial decree appeared in the Gazette declaring that the delinquencies of the prefect and the magistrate admitted of no palliation.[29] As a result Tseng Kwoh Fan, the governor-general of Chihli, was subsequently appointed to investigate what the real facts of the case were.

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[27] Foreign Relations, 1870, p. 359; Cordier, Relations, I, 362-363.

Meanwhile, Count Rochechouart, the French chargé d'affaires, after his arrival at Tientsin, in July,

> demanded the punishment by decapitation of the two local officials who were suspected of complicity in the riot, for he had investigated the matter and satisfied himself of their guilt, and that, if condign punishment was not meted out without delay, he should feel himself at liberty to withdraw his legation and the French subjects from Peking, turning the whole matter over to the admiral, who would take such action as he deemed necessary to enforce the demand and maintain the honor of France.[30]

The Chinese Government notified the other foreign representatives that the officials referred to had been deprived of office, degraded from their rank, and handed over to the board of punishment for trial, and, if found guilty, would be punished with extreme vigor. Further than this the Chinese Government would not and could not go, and if war was the alternative, it must be accepted as the inevitable result.[31]

[28] Ibid., p. 367.
[29] Ibid., p. 360.
[30] Foreign Relations, 1870, p. 377.
[31] Foreign Relations, p. 377.

Then the Chinese Government expected a hostile demonstration from France and began making preparation to resist an attack. Li Hung Chang, who was then in Tibet crushing an uprising, was called back to Tientsin. War was averted because France was engaged in Europe in the defense of her own territory against the German invasion.

Following the investigation of Tseng Kwoh Fan,[32] the Yamen, on October 5 informed the foreign representatives at Peking that the Prefect, Chang Kwang Tsao, and the magistrate, Lin Chieh, had been banished to Tsitsiharin, in the region of the Amur River, there to expiate their crimes by hard labor; that 20 criminals who had participated in the killing of the foreigners were condemned to death by decapitation; and that 25 others who actively aided in the riot were banished. On the morning of October 19, 16 were duly executed at Tientsin in the presence of the foreign consuls and other assembled witnesses. In addition to the sum of 250,000 taels paid as indemnity, the Chinese Government paid 120,000 taels as compensation for the murder of non-ecclesiastical persons, and 130,000 taels for the church.[33] Chunghow, accompanied by Novion and Imbert, two Frenchmen in the Chinese customs service, was dispatched to France in November on a mission of apology. He was received on November 23, 1871, by the president, M. Thiers, at Versailles. The reception was but an indifferent one, for the provisional government at that time was more deeply concerned with the defense of France than with any other matter.[34]

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[32] Cordier, Relations, I, 385-386.

[33] For the reports of Tseng Kwo-fan and his associates, see Ya chuang Ta Chuan, LXXI, 377.

The four remaining culprits were convicted of complicity in the murder of the three Russians during the riot. Minister Low wrote:

> The sentence was temporarily suspended at the suggestion of the Russian minister, who declined to accept the punishment decreed to the four culprits in full satisfaction for the crime, nor would that, or any other number of executions, be considered as ample, unless the guilt of those accused be established by a joint examination in which the Russian consul should take part. This was consented to by the Chinese government, and, after a searching investigation, only two of the accused were found guilty of the murder, the other two, while aiding and abetting did not actually commit any overt act. They were then sentenced to banishment for life.[35]

C. A. Stabley of the American Missionary Board at Tientsin expressed his opinion that the riot was a part of a grand plot to massacre or drive out all foreigners residing in China, and not a local uprising against one nationality and one religious creed.[36] Minister Low believed that Stabley's opinions were erroneous and unfounded. He set forth his own opinion on the massacre as follows:[37]

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[34] Cordier, Relations, I, 403-415.

[35] Foreign Relations, 1871, p. 152.

[36] Foreign Relations, 1870, pp. 372-375.

[37] Ibid., p. 358.

1. The action of the Sisters of Charity, or of those who controlled their institutions, was the cause of the rumors which incited the mob.

2. The action of the mob was not directed against foreigners because *they were foreigners.* It appears, rather, to have been a religious crusade against Catholics; not particularly for the reason that Catholics were teaching the Christian religion, but because of their action in filling the asylums with children against the wishes of the Chinese, and in a manner calculated to arouse prejudices and engender hatred. All French subjects were included in the category of those who committed these crimes, because the French Government appeared to be the guardian and protector of the Catholic missions.

3. The action of the French consul in not giving his consent for the use of any reasonable means to disabuse the minds of the people and allay the excitements was unwise; and, also, in firing his pistol into the crowd of people, he precipitated a bloody collison between natives and foreigners, thereby sacrificing his own life and the lives of others who had placed themselves under his protection.

RIOTS ALONG THE YANGTSE VALLEY

In May, 1891, an anti-missionary riot occurred at Wuhu. It was occasioned by two Chinese Sisters of Charity who were charged with having bewitched two children by the use of a drug. In the riot no lives were lost, but buildings of the Roman Catholics were burned, the English consulate was threatened, and some of the foreign customs buildings were damaged. In an interview by a committee of the foreign representatives at Peking with the members of the Tsungli Yamen, an agreement was reached whereby the ringleaders of the riot should be punished, the two sisters should be discharged from custody, the officials who were negligent should be punished, and an imperial edict should be issued denouncing attacks on missionaries and converts and rendering local authorities responsible for the protection of foreigners.

In the train of the Wuhu riot numerous and serious anti-missionary riots occurred in the different cities along the Yangtse River. At the end of May, mission premises at Nanking were invaded and burned indiscriminately. On June 5, two English missionaries were murdered at Wusueh, and mission premises there were attacked and houses were burned. Three days later, Roman Catholic mission premises at Wusih were entirely destroyed. Meanwhile, sporadic riots occurred almost everywhere along the Valley. These riots mostly originated out of the practice of receiving and bringing up young children in asylums established by the Catholic Church. False rumors of the cruelty of treatment of these children gained a wide circulation among the ignorant masses, and, all of a sudden, riots took place. They could hardly be repressed by local authorities. In every case, however, due punishment was meted out, reparations were made, and order was restored.

These anti-missionary riots created a most complicated situation. They were the unending subject of correspondence between the Tsungli Yamen and the foreign representatives at Peking. The latter charged the Chinese Government with remissness in preventing or putting down riots, without realizing the fact that missionaries had contributed to the causes of the riots. On June 8, the foreign representatives formulated the following demands:

1. The ringleaders and participators in the disturbances at the Yangtse forts and in the interior shall be quickly and severely punished.
2. Those officials whose attitude during or after the riots has given rise to just complaints shall be publicly disavowed by the Imperial Government and punished.
3. By an imperial edict, to be punished without delay in the Peking Gazette, the highest provincial authorities shall be ordered to issue a proclamation informing the people of the calumnious character of the accusations brought against missionaries and converts, and threatening to punish the propagators of such calumnies.
4. By the same edict the provincial authorities shall be instructed to provide better means of protection than heretofore for foreigners at the open ports and in the interior, rendering the local officials personally responsible for their safety.
5. By the imperial edict the provincial authorities shall be instructed to settle, according to right and justice, within the shortest possible time, the pending cases of complaints.

On June 13, the Yamen memorialized the Throne, requesting the issuance of stringent orders to the governors-general and governors immediately to devise measures for dealing with the missionary cases which had successively arisen in their several provinces. The memorial embodied the strongest statements in favor of toleration to be found in the Chinese language. The memorial reads in part as follows:[38]

> The religion of the West seems fundamentally to have for its object to persuade men to live uprightly. It prevails in all the countries in the West, having come down to them from remote antiquity. Ever since the introduction of foreign trade the treaties have clearly provided that all converts to and propagators of the doctrines of the Catholic and Protestant churches in China should be entitled to protection of their persons and property, and should have the right to meet for worship and praise. The hospitals and orphanages supported by these religious bodies are all in order to do good. In the calamities which in recent years have afflicted various provinces missionaries in large numbers have subscribed money for charitable purposes. They are certainly deserving of praise for the pleasure they take in virtuous actions and in bestowing charity.

In pursuance of this memorial, an imperial edict, couched in the most emphatic terms, was promulgated, covering all the demands of the foreign representatives. A portion of the decree reads as follows:[39]

> The doctrine of Christianity has for its purpose the teaching of men to do good. Chinese converts are subjects of China and are amenable to the local authorities. Peace and quiet should

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[38] Foreign Relations, 1891, pp. 420-421.

[39] Ibid., p. 410.

reign among the Chinese and missionaries. But there are reckless fellows who fabricate stories that have no foundation, in fact for the purpose of creating trouble. Villains of this class are not few in number, and are to be found everywhere. Let the Tartar generals, governors-general, and governors, issue proclamations warning the people not to listen to the idle rumors or false reports which lead to troubles. Should any person secretely post placards containing, false rumors with a view to beguile the minds of the people, strenuous steps must be taken to cause his arrest and vigorous punishment be meted out to him. The local authorities must protect the lives and property of foreign merchants and missionaries and prevent bad characters from doing them injury. Should it transpire that the measures taken to protect them have not been adequate, and troubles in consequence ensues, the names of those officers that have been truly negligent are to be reported to us for degradation.

THE MURDER OF TWO GERMAN MISSIONARIES

The participation of Germany with Russia and France in compelling Japan to retrocede the Liaotung Peninsula to China in 1895 was by no means dictated by any sincere desire on the part of the Kaiser to uphold the integrity of the territory of China. Rather, the reverse is true. It was a step in the German policy of *Weltpolitik* and colonial expansion. Germany had long desired to acquire a naval base in China, whereby she might have a decisive influence on the future of the Far East. During the summer and autumn of 1897 her ships of war were actually surveying along the coast of Fukien, Chekiang, and Shantung. Finally she expressed her desire to secure Kiaochow, a port of strategical and political importance in the province of Shantung.

The following episode afforded her a pretext for the siege of Kiao-chow.

Two German Catholic missionaries, Fathers Franz X. Nies and Richard Henle, priests of the Congregation of Steyle, residing at a small village in the prefecture of Chaochau, in western Shantung, were, on the evening of November 1, 1897, suddenly attacked by a band of more than 20 men. They were almost instantly killed. As to the motive behind the murder, a contemporary writer, Arthur H. Smith, says:[40]

> Many theories were advanced to account for the act, such as that it was committed by banditti, who abound in that part of Shantung, that it was done in revenge for failure to secure employment, or for help given to certain Catholic converts who had a lawsuit, or that it was instigated by the Ta Tao Hui or "Great Sword Society" between which and the Catholics there had even at that time been a bitter feud of some years' standing, whatever the occasion for this outrage may have been, it was certainly not in any way due to official connivance, as the local magistrate happened to be well acquainted with one of the priests, and was much affected by the terrible sight, when he arrived in his capacity of coroner to make an official inspection.

Notwithstanding the extenuating circumstances, Germany seized upon this as a good opportunity to obtain Kiao-chow. But, in 1895, the Chinese Government had agreed to open Kiao-chow to Russia. Therefore, in order to obtain it for herself, Germany had to secure the consent of Russia. How the consent was exacted from Russia is related by Count Witte, the Russian Minister of Finances:[41]

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[40] China in Convulsion, II, 106.

> One fateful day when Kaiser Wilhelm was on a visit here, the devil threw temptation in the way of the Tsar who succumbed to it as he has done more than once since then. Much water has flowed under the Palace Bridge since that episode. It was on his first visit to Russia after Nicholas' accession to the throne. The two potentates were driving in an open carriage from a review, I think at Peterhof or Tsarskoye Selo—I forget which. I did not hear a word about what passed at the time until the consequences became manifest, and then it was recounted to me somewhat in this way. In the course of conversation with Nicholas the Kaiser suddenly broke away from the ordinary topics and exclaimed, " I want you to do me a favor. You are in the happy position of being able to help your friends as well as to punish your enemies. As you know, I am badly in need of a port. My fleet has no place worthy of the name outside my Empire. Why should it be debarred? That may, perhaps, serve the purposes of our convert enemies, but not Russia's. And I know your friendly sentiment towards me and my dynasty. I want you now to say frankly, have you any objection to my leasing Kiao Chow in China?" " What name did you say" " Kiao Chow" " No—none. I see no objection whatever." The Kaiser thanked his host profusely and the imperial pair drove to the palace. . . . .
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> A few hours afterwards the Emperor met the Grand Duke Alexei Alexandrovitch who knew a good deal about sea-ports and their value, and about naval matter generally. The Tsar

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[41] E. J. Dillon, the Eclipse of Russia, N. Y., 1918, pp. 247-249; see also memoirs of Count Witte, p. 410.

said "I feel put out with the Kaiser. To-day he had tricked me into consenting to let him have Kiao Chow. Of course it is not downright annexation that he aims at. He is only going to lease it. All the same, it is a nasty trick." "You have not given him your consent in writing?" "No, no. Only in words. We were in the carriage driving." "But surely you can withdraw from that one-sided arrangement all the more that it would put us into a very embarrassing position." "No, no, I have given my word and I cannot back out. It is most vexing."

After the consent was obtained from Russia the Kaiser returned to Berlin and immediately despatched a squadron under Admiral Diehrichs to the Far East. The Kaiser justified this action by stating that:[42]

> The murder of German missionaries and the attacks on one of the mission stations in China, which are under my imperial protection, and whose welfare I have at heart, have compelled me to send my East Asiatic Squadron into Kiaochow Bay, which lies nearest to the place where the crimes were committed, and to land troops there, in order to obtain full satisfaction, and security against the recurrence of similar deplorable events.

On November 14, thirteen days after the occurrence of the murder, the German squadron steamed into the harbor of Tsing Tao. The Chinese forces there retreated and offered no opposition to this invasion of their territory. Meanwhile, the Chinese Government requested the Russian Government, being a professed ally of China, to despatch a detachment of Russian warships to Kiaochow for the purpose of watching the actions of the Germans.[43] But Russia did not comply with such a request.

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[42] The Annual Register, 1897, pp. 280-281.

Immediately after the German fleet entered Kiaochow spirited agitation began in the German press, urging the permanent occupation of the bay. Count Witte, through the German Ambassador to Russia, Von Tschirschky, entreated and advised the German Kaiser to withdraw from Kiaochow, after having meted out justice to the guilty, and, if he saw fit, after having imposed an indemnity upon China. A few days later, however, Von Tschirschky called on Count Witte and said, "His Majesty the Kaiser thanks you very warmly for your frank expose and wishes me to say that from the wording of your message he concludes with some surprise that certain important conditions governing this matter of Kiaochow are unknown to you."[44]

On November 22, the German minister at Peking, Baron von Heyking, presented the following premptory demands to the Tsungli Yamen:

1. An imperial tablet to be erected to the memory of the murdered German priets.
2. An indemnity to be paid to their families (ultimately fixed at 3000 taels for each missionary and 66,000 taels for each of the chapels to be rebuilt.)
3. Li Ping Heng (retiring governor of Shantung, viceroy designate of Szechuan) to be cashiered and dismissed from public office.

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[43] Memoirs of Count Witte, p. 98.

[44] Dillon, op. cit., p. 250.

4. Payment of the expenses incurred in the occupation of Tsing-tao.
5. Germany to be granted a naval station at Kiaochow.
6. Germans to have sole right to construct railways and open mines in Shantung.[45]

The first two demands were accepted without modification by the Chinese ministers; the third one was demurred to; and the last three were rejected.

The German Government stood firm in its demands; and, ultimately, in the convention held at Peking on March 6, 1898, China had to yield point after point.[46] Section I of the Convention provided that China agreed to cede to Germany on lease, provisionally for 99 years, both sides of the entrance to the Bay of Kiaochow, including Tsingtao and all the islands, together with the water area of the bay; that Germany was to have the right to fortify the ceded territory for the protection of buildings to be constructed and of the entrance of the harbor; and that China was to refrain from exercising rights of sovereignty in the ceded territory during the term of the lease. It was further provided that should Germany at some future time express the wish to return Kiaochow to China before the expiration of the lease, China should refund to Germany the expenditure she had incurred at Kiaochow and cede to Germany a more suitable place. On the other hand, Germany engaged at no time to sublet the territory leased from China to another power. Section II provided that China should grant railway and mining concessions in Shantung to Germany. Section III stipulated that:

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[45] Morse, Relations, III, 107.

[46] MacMurray, Treaties and agreements with and Concerning China, I, 113-116.

> The Chinese Government binds itself in all cases where foreign assistance, in persons, capital, or material, may be needed for any purpose whatever within the province of Shantung, to offer the said work or supplying of materials in the first instance to German manufacturers and merchants engaged in undertakings of the kind in question.

Thus the murder of two German missionaries in Shantung precipitated the land-grabbing movement in China by the so-called Christian powers. This foreign aggressiveness certainly did not increase Chinese love of Christian missions. No sooner had Kiaochow been seized by Germany than the Russian Admiral Dubassoff entered Port Arthur, to the great amazement of Count Witte, who entertained the "scheme of peaceful penetration, which presupposed the integrity of China." On April 9, 1898, Port Arthur was leased to Russia, and, in the same year, she obtained a 25 years' lease of Ta-lien-wan, or Dalny, with the adjacent waters, islands, and peninsula, and a zone of 60 miles prohibited the entry of Chinese soldiers. Immediately following in the footsteps of Germany and Russia, France obtained the Bay of Kwangchow-wan in the south for 99 years as a naval station, and Great Britian obtained Wei-hai-wei "for so long a period as Port Arthur shall remain in the occupation of Russia," and a 99 years' lease of Kowloon Peninsula.

THE CRISIS OF 1900

By the various humiliations which have been set forth the Chinese were goaded into action. Their animosity against foreigners gradually became more intense. They believed that the surest means to resist further acts of aggression was to get rid of all foreigners. Thus they resolved to kill every foreigner in sight and to destroy their establishments. Being the first at hand, the missionaries were the first attacked. In virtue of their connection with foreign missionaries, the Chinese Christians shared the same fate. During the years 1898 and 1899 there was general unrest and commotion throughout the empire and patriotic societies were everywhere organized. Since the concession-hunting movement was launched in the northeastern part of the empire, hostile activities against foreigners naturally centered in southeastern corner of Chihli and the province of Shantung.

I-ho-chuan stood out as the champion of the course. Its history, however, is rather obscure. It is believed to have existed in the early years of the 19th century as a secret and revolutionary society aiming at the overthrow of the Manchu Dynasty. With other similar secret societies it was suppressed in 1808 by an imperial edict. It maintained, however, an obscure existence in many districts of Chihli and Shantung, and finally reappeared in 1898, and became primarily an anti-foreign organization. As the activities against foreigners became more pressing other societies amalgamated with the *I-ho-chuan,* the members of which were universally called "Boxers." It is to be borne in mind, however, the antagonism of the *I-ho-chuan* against the missionaries and Chinese Christians was not provoked by religious motives. Its general attitude toward Christianity was to force the withdrawal of missionaries from the Celestial Empire because they were aliens.

In the early days of the movement foreign missionaries were carefully guarded from personal violence by provincial troops. Thus there were no lives lost, though Chinese Christians were constantly subjected to threats, impositions, and petty persecutions. There were sporadic civil wars between the Boxers and the stronger Chinese Christian communities. In his report to the American Board of Commissioners for Foreign Missions, describing the events of September, 1899, Dr. Porter wrote:[47]

> The villages of Kan-fen and those immediately adjoining were in great terror. Most of the Christians hid their goods and fled into the fields. We went at once into camp, unfurled the American flag, gathered a strong force of Christians about us as guards, borrowed native guns, purchased powder in a considerable quantity, and prepared for any emergency that might suddenly come upon us.

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[47] Quoted by G. N. Steiger, China and the Occident, pp. 152-153, from A. B. C. F. M. Reports, North China mission, 1890-1900, III, report no. 33.

In his journal under the date of October 28, 1899, Father Isoré wrote:[48]

> The Christians of the four adjoining villages assembled and organized a sort of a national guard for the defense of their interests. Mounted scouts, armed with a gun and . . . . my benediction, were sent forth to discover the brigands.

In spite of the current alarmed reports of missionaries, prior to May, 1900, there was general unrest and commotion rather than actual violence. Except in one case there were no foreigners killed by the Boxers. Indeed, there is much evidence that the reports of the missionaries were very much exaggerated, but they were accepted at their face value without verification by the foreign representatives at Peking.[49] The case above referred to is the murder of Mr. S. M. Brooks, an English missionary. He was captured on December 30, 1899, by 30 Boxers in the Fei Cheng district, Shantung. But, immediately upon hearing of the capture, the Governor of Shantung, Yuan Shih Kai, despatched a force of soldiers to the district with a view to effecting the release of Brooks. Unfortunately, by the time the soldiers arrived the missionary had been murdered. The Chinese Emperor and Empress Dowager expressed to the British Minister their deep concern and regret over the tragedy, and the Imperial Government promulgated an edict enjoining the immediate capture of the murderers and the punishment of the negligent local officials. Finally, seven men were arrested and tried at Tsinanfu in the presence of a British consul. Two were sentenced to death, three to imprisonment for life, 10 years, and two years respectively, and the remaining two were discharged. An indemnity of 9500 taels was paid by the Chinese Government to erect memorials, and the district magistrate was denounced to the throne.[50]

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[48] Quoted by Steiger, op. cit., p. 170.

[49] Ibid, p. 160.

The subsequent events of the summer of 1900 need not be described here. On this subject many books have been written with different viewpoints. To mention but a few of these books: Arthur H. Smith, China in Convulsion (New York, 1901); W. A. P. Martin, The Siege in Peking (London, 1900); H. C. Thomson, China and the Powers (London, 1902); P. H. Clements, The Boxer Rebellion (New York, 1915); G. O. P. Bland and Backhouse, China Under the Empress Dowager (Philadelphia, 1910); G. N. Steiger, China and the Occident (New Haven, 1927).

With the exception of a few officials who harbored a hostile attitude toward foreigners, the Chinese Imperial Government was then earnest in its efforts to ward off a crisis by taking such precautionary measures as were within its powers to stop, if not to crush, the hostile activities of the Boxers. The foreign representatives at Peking imposed demands upon the Chinese Government without undertaking to find out the underlying causes of the animosity of the Chinese. They maintained that they were in the right and that Chinese were in the wrong. By the show of force they "served to intensify the disorder and to hasten the final catastrophe." As usual, China had to submit to the demands of the powers as if she had been defeated in a war.

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[50] State Papers, XCIV, 1059 ff.

RECENT ANTI-CHRISTIAN MOVEMENTS

China was humbled by the powers in the Boxer Uprising, but the old scores have never yet been settled. The animosity of the Chinese towards foreigners became aggravated rather than lessened, though, as stated in the preceding chapter, China was obliged to suppress all anti-foreign proceedings. As long as the various causes of friction, as set forth at the beginning of this chapter, are not eliminated, the Chinese love of Christian missions can hardly be increased. True it is that after the settlement of the Boxer Uprising, anti-missionary riots have been generally on the decline. This condition is due to the fact that the genuine character of the missionary works in China has been better understood, that the conduct of missionaries has been in the main wiser and more discreet, and that the Chinese have learned from bitter experiences the futility of the blind use of force. However, within the last few years there have been launched in China by the Chinese a series of anti-Christian movements, which are very different in nature from the opposition to the preaching of Christianity of earlier days.

On Christmas Eve, 1919, the *Canton Times,* a morning radical paper, printed a special page called "The Jesus Number." Christianity was virulently criticized and the missions in China were bitterly attacked on various grounds. Since then, throughout the length and breadth of the land sporadic attacks have been levelled against Christianity and everything pertaining to it. As a consequence of this criticism the Chinese Christian students invited the World's Christian Students' Federation to hold its conference in China. In the spring of 1922, a group of students in Shanghai, after reading the special number of the *Association Progress,* which discussed the World's Christian Students' Federation, then being held at Tsing Hua College, Peking, organized the Anti-Christian Students' Federation. In its manifesto, which was widely circulated, it accused the World's Christian Students' Federation of being a tool of capitalism and imperialism. When the movement reached Peking, it was found too narrow. Hence, it was changed to an Anti-Religious Federation, though the movement remained anti-Christian. Ere long the movement spread all over the country. Mass meetings were held and anti-Christian organizations formed in the principal cities. Practically all students attached themselves one way or another to the movement. For a time the outlook for the spread of Christianity in China appeared very unfavorable and missionary works in many places were actually suspended. In two months, however, the movement died a natural death. But, in the winter of 1924, the movement again came into being. It also was started in Shanghai. A group of students who had left Shanghai Baptist College, because of some trouble with the school authorities, published anti-Christian articles in the *Chuch Wu,* " Awakened Consciousness." Soon the movement gained headway in the chief cities, and newspapers daily published articles denouncing the Christian religion and the missions in China. The actual strength of the movement can hardly be gauged, for in this movement not only did the students participate, but also many leaders of the Kuomintang, the Nationalist Party.

It is to be borne in mind that these anti-Christian movements did not spring into existence like a thunderbolt from a clear sky. Their motives were deep-rooted and complex. In the following pages the writer endeavors to set forth the underlying causes or motives that led to these anti-Christian movements.

At the outset one has to have some notion of the New Thought Movement, or Renaissance, in China, of which the recent Anti-Christian Movement is but a component part. According to Dr. Tsi C. Wang, the New Thought Movement in China came into existence at a time that China was emerging from her isolation and coming for the first time into contact with the western world. The movement gained impetus from the students educated in modern schools and those who had returned from abroad.

However, not until the last 10 years or so did the movement make any real headway. Organizations have been established throughout the country for the furtherance of the movement. The best known ones are the Shang Chih Association, organized in 1910, the Young China Association, in 1918, the Co-operative Study Society, and the Renaissance Society in 1918. Prominent scholars of the West have been invited to lecture in China: Professor John Dewey, Mr. Bertrand Russell, Dr. H. Dreisch. They left a considerable influence upon the minds of the Chinese youths. Foreign books are being translated in considerable number. The number of magazines and newspapers has been increased; *La Jeunesse, The Renaissance,* and *The Awakened* are widely circulated among the students. Yen Fuh, Liang Chi-chao, Tsai Yuan-pei, Chen Tu-seu, Hu Shih have been the leading personalities in the movement.

It is not our purpose here to discuss the movement in detail. Suffice it to say that it is aptly described as a break with the past and that its fundamental tendency is a critical viewpoint of all China's heritage. Confucianism, being one of the old heritages, was vigorously attacked. Chen Tu-seu in an article wrote: "Since our government is a republic, it is absurd to cling to our old morality. Democracy implies independence, equality, and liberty, which are inconsistent with old morality; it is necessary to get rid of one or the other. . . . ."[51] On another occasion he said: "Had China no contact with modern culture, she would have nothing to criticize in Confucianism, but since she is a republic, she must follow the trend of the civilization of the world. She cannot hold fast to an inequality and injustice in contradiction with modern civilization."[52] In his letter to Chen Tu-seu, Wu Ni, who was a staunch anti-Confucianist, wrote: "While I hold that Confucius was a great man in his time, yet there are those who want to insist upon his teachings to arrest the development of thought in this modern time..... It is natural that we should have to attack them. Mr. Liang Chi-chao is right when he says, 'I love Confucius not the less, but I love Truth more.'"[53]

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[51] Tsi C. Wang, The Youth Movement (N. Y., 1927), p. 100.

Not only was Confucianism attacked; all religions have been subject to the same fate. After the World War there was a considerable unrest over the matter of religions. Never before in Chinese history did the youth of China take such an interest in the problems of religion. Anti-religious movements were launched. They were deeply influenced by the ideas of Bertrand Russell, which are summarized by Professor Tu Hsiao-shih in the following two paragraphs:[54]

> Religion is an instrument that kills man. The wars in European history have all some relationship to religion. Even the Great War that has just been concluded, so cruel in its

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[52] Ibid., p. 102.
[53] Ibid., p. 103.
[54] Nineteenth Century and after, 1925, p. 702.

processes and results, had its roots in certain religious beliefs, which served as weapons of killing.

Religion in its belief in the supernatural is a hinderance to the progress of science.

Moreover, atheism also worked through the returned students from France. In 1921, a group of Chinese students in France seriously considered whether religion has any proper place in the uplift of modern China. They sent a circular letter to the French professors in the University of Paris asking them three questions:

1. Is man a religious animal?
2. Have the old and new religions any chance to survive in modern life?
3. Will New China need a religion?

The answers to these questions were an emphatic " no " by five professors. One of them said in respect to the third question: " China has had no religion and it is dangerous to introduce any from abroad. It is an unfortunate thing that Christianity has come to China as a means of extending economic and political power. It is not worthy to be an agent of spreading new Western thought, nor to be a medium for the spread of morals." [55]

Dr. Tsai Yuan-pei, former Chancellor of the National University of Peking and now President of the Yuan of Control once remarked " that religion is a type of philosophical belief, that all existing religions are corrupt, being false and insincere, suppressing the creativeness of an individual by imposing his external belief.'' He advocated the adoption of æsthetics as the substitute for religion. Others attacked religion as primitive and superstitious and inconsistent with modern sciences. They said that it shackles freedom of thought and impedes human progress. The gist of their attack levelled against religion is found in the following quotation:[56]

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[55] Chinese Recorder, 1923, p. 462.

> The sins of religion are too numerous to mention. Speaking of its moral side, we find that it teaches men obedience, which is the moral code of slaves. Speaking of its intellectual side, we find that it propagates superstitions which hinder the search for truth. Speaking of its material side, we find that it asks its believers to despise temporal things and to dream of the Kingdom of Heaven and Hell, which would end in the destruction of human life. Its teachings are absolutely valueless, while its evils are incalculable. Yet its influence is growing every day. This is due to the fact that those who are doing evil, have an organization, while we who are opposed to religion, have not.

It must not be supposed that there is a general disposition in China to interfere with those who believed that some sort of religion is needed by the people. In fact, there is a group of students and eminent scholars who uphold religious freedom. Thus in a statement appearing in the *Ming Kuo Jih Pao,* March 31, 1922, five professors, in the National University of Peking, headed by Chow Tso-jen, declared:

> We are not adherents of any religion, nor do we attempt to protect any religion, nor do we approve of opposition to any

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[56] Wang, p. 187.

religion by challenges. We recognize that men ought to have absolute freedom for their faith and not be inferred with by any man. Religious freedom is recorded in the provisional constitution. Intellectual people ought to be the first to keep this law; certainly not the first to violate it.

A Chinese student in Japan wrote:[57]

> Freedom of religious belief is written in the Constitution. The life of religious belief and the life of material and intellectual activities can be in harmony with each other. The Hebrew people believe in God, and the artistic Greeks believed in God, but their religious beliefs are the same. Tolstoi believed in Christianity and Spinoza believed in Pantheism, but I do not see any distinction of low or high or any conflict in their personalities. William James . . . . Bergson . . . . and others have considered the value of religious beliefs . . . . although I do not belong to any religion myself, I have sympathy with my friend who said: "Although I do not believe in Christ as the 'Son of God' I value highly the good teachings of Jesus and the good literary materials in the Bible. . . . . The Young China Association, is an organization for scientific investigation . . . . ; problems to be studied. . . . . Religions, art, science have no absolute value in themselves; it all depends on our reactions to them. . . . . Recently I have been greatly pleased; I have learned to like the high personality of Jesus. . . . . In my study I have pictures of Millet, Hugo, Goethe, Tolstoi, Beethoven and Jesus; also 'see, the Conquering Hero Comes,' 'The Joy of Life,' 'Labor and Pleasure' and other paintings. All these pictures give me inspiration when I am in distress and when I am at leisure. . . . . I have tried to express in the most realistic way the spirit of religion."

At this juncture, it is of interest to note that synchronously with the attack on religions, the organized religious groups in China, settled in the sleep of centuries, commenced to stir with new life. In April, 1911, there was organized in Shanghai a Chinese Buddhist Society. At that time there was among the Buddhists a demand for a more genuine religious life, for reformation of the monasteries, and for better educational training for religious teachers. In 1915 was organized the *Bodhi* Society, the ideals of which are summarized as follows.[58]

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[57] Wang, op. cit., p. 95; see Young China, II, nos. viii, xi, and III, no. 1.

> To propound the essence of Mahayana Buddhism so that opposition may be dissolved, doubts removed, faith strengthened, religion energised and mankind transformed into saintly and heavenly beings. To propagate the essence of Mahayana Buddhism so that the wicked may be led into loving kindness, the selfish persons to righteousness, the wise to thirst for the doctrine, the strong to love of virtue, and the struggling, misery-filled world transformed into a place of peace and happiness.

Tai Hsu was the most prominent figure in the movement. Another religious movement of particular interest is the organization of the *Tao Yuan.* It seeks to consolidate the five religions of the world—Taoism, Confucianism, Buddhism, Mohammedanism, and Christianity. It reveals an interest in social morality and in philanthropic work. It was started from Tsinan, Shantung, in 1921, by Liu Tsing, an officer in the Chinese army. It was authorized by the Ministry for Internal Affairs of the former government at Peking to extend itself under official patronage and protection. Its influence spread very rapidly throughout the length and breadth of China and in the Straits Settlements. The members are drawn from the older official and commercial class. Besides the *Tao Yuan,* there are other syncretic religious societies in China, such as *T'ong Shan She,* "United Goodness Society," which was formed in 1914, and the *Wu Shan She,* "Apprehension of Goodness Society," started in 1918, in Peking.

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[58] Journal of Religion, V (1925), p. 458.

The preceding pages go to show that one of the underlying motives behind the recent anti-Christian movement in China is embodied in the New Thought Movement, of which the anti-religion movement is but a result. Syncronizing with the New Thought Movement in China has been the birth of Chinese nationalism.

> Nationalism is a modern emotional fusion and exaggeration of two very old phenomena—nationality and patriotism. There always have been, so far as historians and anthropologists know, human entities that can properly be called nationalities. There has been from ancient times the love of country or native land, which is patriotism. But nationalism is a modern, almost recent, phenomenon.[59]

With greater weight the above-quoted statement is applied to the national consciousness of the Chinese people. The doctrine of nationalism in China, as in every other country, was elaborated by eminent intellectuals and is propagated to the masses through various means adopted by the New Thought

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[59] C. J. H. Hays, Nationalism, p. 6.

Movement. Thus, the spirit of national consciousness has spread, like the fire in a wild prairie, throughout the country. The objective of this rampant nationalism in China is a united, independent, fully sovereign state. It is a fight for emancipation from the unequal treaties which have bound China for 80 years or more.

Christianity, being written in the unequal treaties, has been naturally subject to attack. In the eyes of the Chinese, the Christian missionaries have always been connected with the imperialistic powers. Christianity is therefore regarded as a tool of foreign imperialism and capitalism. Thus, in a manifesto, the Anti-Christian Students' Federation emphatically stated:

> Of all religions, Christianity, we feel, is the most detestable. One sin of which Christianity is guilty and which particularly makes our hair rise on end, is its collusion with militarism and capitalism. The influence of Christianity is growing stronger day by day, and when this force becomes more triumphant, the methods of capitalism will be more drastic. Christianity is the public enemy of mankind, just as imperialism and capitalism are, since they have one thing in common, to exploit weak countries. Realizing that China has long been an object of exploitation on the part of capitalistic and imperialistic countries of the world, Christianity is utilizing this opportunity to extend its influence. It is the intelligence officer of the capitalists and the hireling of imperialistic countries. If no effort is made to exterminate this evil, it is impossible to foretell what its dangers will be in the future.

Chinese Christians are described as being the servants (literally " running dogs ") of imperialism and capitalism. Christian educational institutions are branded as a form of cultural imperialism. Their students are said to be unpatriotic and imbued with foreign spirits. That there is some truth in such accusations is beyond doubt. Christianity is truly a significant factor in the early exploitation and in later colonization of the world powers. Christian missionaries were often builders of very early empires and missionary organizations were among the active groups which promoted imperialism. Instances are given by Professor Parker Moon in his book on *Imperialism and World Politics.* For example, he says: " Livingston, the famous Scottish missionary to Africa, desired with all his heart that British rule might be extended in the Dark Continent, to wipe out slavery, to spread civilization and Christianity."[60]

The tragedy of May 30, 1925, when unarmed and defenseless Chinese students were killed by the police in the International Settlement in Shanghai, and the subsequent tragedies in other principal cities all set the whole country aflame. Nationalism gained impetus and " down with foreign imperialism " became the slogan of the Chinese nationalists. The Chinese Christians are as ardent nationalists as their non-Christian fellow-citizens. Thus, with reference to the Shanghai massacre, the Chinese Christians in Peking in June, 1925, proclaimed an appeal to the

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[60] Parker Moon, p. 64.

Christian peoples of the world. It reads in part as follows:

> . . . . We are grieved at what seems to be too ready resort to extreme measures in dealing with unarmed youth whose " crime " was not any pre-meditated plan to subvert law and order but speaking in public to protest against what they regarded as a wrong done to Chinese Industrial Workers by Japanese mill owners during a strike. The shooting and the subsequent military demonstration by the western powers we greatly fear will tend to create in the popular mind the impression that western nations are militaristic and imperialistic and rely upon superior force to exploit Asiatic peoples, which will necessarily lead to further estrangement and misunderstanding. In the eyes of the Chinese people Chritianity is identified with the dominant nations of the west and any action on the part of their representatives in China which seems to contradict and discredit its exalted ethical teachings can do incalculable injury to the Christian cause in China.

Of all institutions established by missionaries in China, Christian educational institutions have been the most bitterly attacked. The comprehensive report of the Christian Education Mission, with recommendations for future development, and the detailed *Christian Occupation of China,* brought to light the great extent to which the Christian education had spread in China. This set the Chinese to serious thinking and imparted to them a fear of the danger of Christianity. The Chinese Nationalist educators believe that mission education, being a foreign institution, is incompatible with the national spirit. It is attacked as denationalizing the Chinese youths and as a general scheme of cultural penetration. In an address reported in *China Express,* August 20, 1925, Doctor Y. P. Tsai said:[61]

> . . . . Whenever a missionary school is founded, religious instruction of some sort is propagated, bringing about new effects and influences, thereby contradicting the traditional education. While neglecting Chinese history, literature, and other important subjects, missions in China are now organizing different sets of educational systems of their own, parallel to the Chinese Government system, which might prove in time irreconcilable elements in the Chinese national education.

Another distinguished educator, Dr. P. W. Kuo, former President of the National Southeastern University at Nanking, has said:[62]

> Why is it that there has been an anti-Christian education movement in China? Does it mean that the Chinese people fail to appreciate the good motive that is behind the missionary enterprise and the valuable service it has rendered to China? It is hardly that. . . . . It means simply that the Chinese people are becoming concerned over the kind of education that is being received by more than half a million of their children now enrolled in mission schools. It means that they are anxious to see that the education offered is wholly Chinese and that it is consistent with the ideals of the growing spirit of nationalism.

At the annual conference at Kaifeng, October, 1924, the National Federation of Provincial Educational Associations adopted resolutions proposing, *inter alia,* that mission schools should be reported and registered with the government under certain educational regulations, that students of the non-registered mission schools should be denied the enjoyment of certain privileges, that mission schools should be transferred to Chinese control after a certain period of time, and that no religious teachings should be allowed to be done in the schools.[63] At about the same time the following resolutions were passed by the National Association for the Advancement of Education:[64]

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[61] Quoted by W. W. Willoughby, op. cit., II, 721.

[62] International Review of Missions, Jan., 1926.

1. That the government be asked carefully to determine regulations for the registration of schools to be observed by all schools in the nation.
2. That there are two classes of registration, A and B. All schools and institutions of similar character should without exception be registered under class B.
3. That students in schools that are not registered in class A be denied the special privileges accorded to those in class A school.
4. That all foreigners using schools as means of aggression, when this is proved by inspection, should be restrained by the government.

The views expressed in resolutions of these associations were not to be trifled with. They were the culmination of a series of agitations of prominent Chinese educators, who persistently demanded a uniform educational system for China, based on the needs of the country, and imbued with the national spirit. In compliance with this rational demand, the Ministry of Education of the former government at Peking, as we have seen in the first chapter, promulgated rules governing the registrations of educational institutions supported by funds contributed by foreigners. The Nationalist Government also issued a set of rules to that effect, but more drastic in nature.

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[63] Ibid., XIV, 352.
[64] Ibid.

The national consciousness of the Chinese people is genuinely Chinese in origin. It has been asserted that the Chinese nationalism is Bolshevik in origin. By recent political developments the fallacy of this assertation is clearly disproved. There is, however, no denying that Bolshevism in China has been very active in the anti-Christian movements. The Greek Church in Russia for centuries paid allegiance to the Czar. It enthroned bigotry and superstition. Therefore, after the fate of the Tzarist Russia was sealed in 1917, the Bolshevist leaders, who regarded the church as the hangover from Tsarism and as such an inimical and dangerous foe, made a decided effort to root out Christianity. Communism attacked religion as placing shackles on the minds of the masses and as an enemy of true and full liberty. It is natural, therefore, that, when Bolshevism was planted in China, fuel was added to the already furious anti-Christian agitation in China. Thus Mr. Frank Lee wrote:[65]

> The communists support an anti-Christian movement that is well-organized, widespread, and with a definite objective. Whatever one may think of the political policies of the

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[65] Chinese Recorder, 1925, p. 233.

Communists there is no reason to doubt their open and avowed antagonism to religion and especially to Christianity. To them, all religion is superstition and must be abolished. Against Christianity they feel a particular antipathy because Christianity is carried on under the direction of foreigners who are representatives from those very wicked imperialistic nations. Its support comes largely from Mission Societies in America and England, and, therefore, the Communists in close relations with Soviet Russia consider the missionaries employed in imperialistic propaganda.

Thus far we have pointed out that the New Thought Movement, Nationalism, and Bolshevism constituted the main factors in the anti-religious movements, and that, inasmuch as Christianity is the most aggressive religion in China, it has been almost the only religion in China that has felt the effect of the attacks.

With the advent of the Nationalist Government, exaggerated news was spread as to the hardships endured by missionaries and the depredations to mission property in places under the jurisdiction of the Nationalist Government. Trivial incidents were reported in such fashion as to make up a terrifying tale.

Neither has there been sufficient clarity in the differentiation between incidents occurring during the advance of troops and conditions prevalent after the civil authorities have settled down to administration. Headlines such as " The Merry Game of Confiscation," "Nationalists Deliberate Policy Attacking all Missions," " Whenever Southern Armies Have Gone Mission Premises Looted or Seized for Barracks," convey the impression to the general reader that a deliberate policy of suppression of Christianity in China has been darkly conceived and is now being ruthlessly carried out by the Nationalist Party.[66]

Certain it is that the foreign policy of the Nationalist Government is anti-imperialist. But the government has always been willing to accord protection to foreigners and the anti-imperialist policy must not be construed as anti-foreign or anti-Christian in nature. On the whole, the Nationalist Government has been friendly toward Christian missionaries. One of the fundamental principles of the Nationalist Party is toleration of conscience. Many of the prominent members of the party are Christians. In October, 1926, leading Chinese Christians in West China asked the Generalissimo of the Nationalist Army for his official word of protection. They obtained it. In the same year the Szechuan Christian Council asked for protection against anti-Christian movements on the basis of religious liberty. It received a favorable response from the government authorities in that province. In May, 1927, Eugene Chen, then the Minister of Foreign Affairs of the Nationalist Government at Hankow, issued orders for the protection of Christians against the anti-Christian movement, and also cabled warnings to labor unions and students' associations to cease attacking the Christian church. At Nanking Chiang Kai Shek ordered that all troops should be out of educational institutions by June 6, 1927, and that the Y. M. C. A. and other Christian properties be not molested. After the lifting of the siege of Wuchang, the government announced protection of mission schools.

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[66] Nine Months Under the Nationalist Government, p. 1; Edgar E. Strother, A Bolshevized China—the world's Greatest Peril, p. 7.

True it is that many missionaries were ejected from their residences, churches used as stables, hospitals used as barracks, and damage done to mission property. The near-sighted missionaries then asserted that life was made deliberately insecure for missionaries in the interior and that they were not safe anywhere in nationalist-controlled territory. They were unable to see themselves in due perspective in relation to the present vast and turbulent upheaval in China. It is to be borne in mind that thousands upon thousands of Chinese civilians were killed and millions upon millions of dollars of property was damaged and destroyed in the Revolutionary Upheaval. Is it, therefore, reasonable to expect that the comfort and interests of the few thousands of foreigners in the land should be maintained without being slightly affected? Moreover, it is a principle of international law that upon entering the country of an unstable government an alien assumes a certain measure of risk.[67]

Apart from the fact that, on account of civil war, missionaries have endured hardships and mission property has been subject to depreciation, there is undoubtedly a considerable anti-missionary feeling on the part of the Chinese. The causes of this ill-feeling have been repeatedly stated in this chapter. We need to bear in mind, however, that there has been nothing to indicate that physical violence has been inflicted on the persons of missionaries. As a matter of fact, prior to March 24, 1927, not a single missionary was killed in the country, although in isolated instances, Chinese Christians may have been subject to mild persecutions. On March 24 the Nationalist Army captured Nanking. During the retreat of the Northern soldiers, several foreigners, including one prominent missionary educator, were killed and some were wounded. In return the American and British gunboats bombarded Nanking with the result that many Chinese civilians were killed.

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[67] Borchard, op. cit., p. 215.

According to foreigners this incident was the result of a predetermined attack upon the lives of all foreigners and their property. On the other hand, the authorities of the Nationalist Government disclaimed any responsibility for the anti-foreign outburst. Thus, Eugene Chen, Minister of Foreign Affairs, issued the following statement:[68]

> The commission of inquiry investigating late events at Nanking has sent in a preliminary report establishing the outstanding fact that the disorders there were the work of reactionary and counter revolutionary elements who during the confused conditions following the defeat of the Northern rebels and their white Russian mercenaries instigated the rebel remnants (many of whom wore uniforms taken from

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[68] The Chinese Weekly Review, April 9, 1927, p. 144.

Nationalist soldiers who previously had been captured) and local ruffians to attack and loot foreigners in the city.

The British, American and Japanese consulates were attacked and a few foreign lives unfortunately lost and some foreign property looted before order could be fully restored by the Nationalist forces under General Ching Chiem, who entered Nanking March 24 at 5.30 P. M. The latter ordered the execution of a member of those who had attacked and looted foreigners. From four to six foreigners are reported killed and about six wounded during these disturbances.

On the other hand an estimate (which is under verification) places the Chinese casualties as a result of the British-American naval bombardment at the rate of over 100 killed and wounded for every single foreign casualty.

While the Nationalist Government have to denounce the attack on the British and other casualties at Nanking, and express deep regret for foreign lives lost and the wounding of the British Consul General and other foreigners, they have strongly to protest against the bombardment of Nanking with its large civilian population by British and American gunboats.

As a result of this incident, foreign powers despatched marine forces to Shanghai for the ostensible purpose of protecting their citizens or subjects. There was a wholesale exodus of missionaries from the interior. Many of them returned to their own countries, others were transferred to the missions in other lands, while still others have remained in the open ports. As a result of the evacuation of missionaries the mission work was carried on by their Chinese colleagues, but in some places the work was brought to a standstill.

CHAPTER IV

STATUS OF MISSIONARIES AND THEIR POLITICAL INFLUENCE

ASSUMPTION OF OFFICIAL CHARACTER AND INTERFERENCE WITH CHINESE LAWSUITS

Aside from the rights expressly and exclusively granted to the foreign missionary by the Chinese Government in the treaties, the fact that he is engaged in propagating the Christian religion does not alter his status as an alien in China. He has no rights in China unless he is a citizen or subject of a treaty Power. As such he is bound to observe the Chinese laws and customs applicable to him. If he acts otherwise, he is a transgressor of the law and may be punished in the consular or other extraterritorial courts of his country. Thus, in his letter to Mr. Blodget under the date March 28, 1885, Mr. Young, then the American Minister to China, said: "An American missionary, in the eyes of the law, is a citizen, no more. He is engaged in an honorable calling, just as if he were a banker, or a teacher of chemistry, or a tiller of the soil."[1] To the same effect Minister Denby, in a despatch to his government, said: "The missionary is simply a citizen, and the sacred character of his object and the purpose does not enter into the question of the determination of his rights."[2] With the exception of

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[1] U. S. For. Rel., 1885, p. 167.

[2] Ibid., 1886, p. 98.

France, all other foreign governments make no difference in the enjoyment of legal rights between missionaries and citizens or subjects of other callings or professions.

As a matter of fact, however, missionaries have not always followed the counsel of their Master. Over-zealous about their religious propaganda, they have often sought to exercise more than they have been legally entitled to. They penetrated into the interior long before toleration was granted to Christianity. They formerly assumed official ranks. Thus, an American minister reported that in Shantung a Roman Catholic missionary had the boldness to style himself governor.[3] Dr. A. H. Smith, in his book entitled " China in Convulsion," relates:[4]

> The bishops, the spiritual rulers of the broad province, adopt the rank of a Chinese governor, and wear a button on their caps indicative of that fact, traveling in a chair with the number of bearers appropriated to that rank, with outsiders and attendants on foot, an umbrella of honour borne in front, and a cannon to discharge upon their arrival and departure. . . . . All this, and much else, is a part of the settled policy of the church, and not an accident of this place or that.

In substantiation of this statement, we quote the following description from the pen of a French bishop:[5]

> Besides the red parasols consisting of three tiers of shades, the cavalcades and the cannonades, there was added before

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[3] Executive Documents, 1871, p. 106.

[4] China in Convulsion, p. 48.

[5] Nineteenth Century, XX, 625.

> my palanquin an escort of three little children dressed in red and green, and carrying crowns composed of precious stones. Here, again, I signalized my arrival by setting free several prisoners who were confined for offences against our religion.

It is to the credit of the Protestant missionary that he has usually led a plain life. Besides arrogating to themselves an official status, Catholic missionaries often interfered in native lawsuits, practically removed their converts from the sphere of the Chinese jurisdiction and established an "imperium in imperio." It is customary for the Protestant missionary to state that his general rule was to avoid interference in lawsuits, except in rare and extreme cases. According to Alexander Michie, however, the Protestant missionaries interfered often enough to bring themselves under the same condemnation.[6]

When his conduct was involved in a lawsuit, the missionary often appeared at the local yamen demanding, without considering the merits and demerits of the case, a prompt decision in favor of his protégé, on threat of appealing to his national representative at Peking. On the other hand, frightened by the presence of a foreign missionary and afraid of consequences, many a magistrate openly gave away and settled the case in favor of the Christian litigant. The magistrate did not exert himself in the proper discharge of his duty, for he learned by bitter experience that to exercise his legitimate functions in the face of a foreign missionary would involve evil consequences to himself.

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[6] There was considerable diversity of practice among the Protestant missionaries. For their views, see Chinese Recorder, June and July, 1899, pp. 261-268, 328-335.

In this connection it is deemed necessary to make it clear that injustice often suffered by Chinese Christians was not always due to religious persecution or because of their connection with foreign missionaries. Miscarriages of justice exist in every country. Ignorant of the principles of Chinese law and believing " that a convert is entitled to justice of a quality superior to that doled out to his unconverted brother," the foreign missionary frequently took up cases not having any mark of religious persecution. A missionary in South China speaks from his own experience as follows:[7]

> In nine cases out of ten the real truth is, that the socalled convert being now associated with a movement which seems in his eye a vigorous and promising one, has presumed on the strength of this alliance with the church to pay off some of his old grudges or to carry matters with a high hand towards those of whom he had been formerly in fear. The retaliation which he had thus provoked is in no sense an act of religious persecution. It is simply . . . . what is probably a long story with many vicissitudes of mutual wrongs and reprisals. But it is extremely difficult for the missionary, even with the help of his native assistants, to arrive at the real facts of the case. All concerned combine dexteriously to hide from him everything that would bring the real history to light. The weakness and helplessness of the Christian body amongst the overwhelming numbers of the heathen around is painted in vivid colors.

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[7] J. Campell Gibson, Mission Problems and Mission Methods in South China, pp. 296-297.

> The missionary is plied with the text about sheep that have no shepherd, and dire disaster to the Christian cause is prophesied if the missionary should prove himself so lacking in Christian charity as to decline to take up vigorously the cause of the weak and the oppressed. Baffled in his search for the ultimate facts of the matter; wearied with the clamorous insistence with which it is pressed upon his notices; and perhaps needlessly touched by highly coloured tales of suffering that are told him, many a missionary has been induced to take up cases of this kind, and represent them to the authorities.

Thus, the Chinese Christian became the persecutor of his non-converted neighbor. Many a missionary was deceived into taking up a case, and subsequently regretted that it had been taken up. To substantiate such a statement we quote the following from a missionary:[8]

> Sometimes cases have been presented with a winning plausibility. Nevertheless we begin to listen skeptically, but finally with sympathy and indignation. We make enquiries which seem to conform to the statement of our friend. We put the case through with English-Saxon vigor. But later the awful truth comes to light that we have been conducting ourselves to careful conclusion from false premises. Under the impression that the wolf was a wounded sheep, we nursed him tenderly through to a denouement, both dramatic and humiliating. There were certain factors of the problem of which we were kept in ignorance. We had, in short, been hoodwinked. But perhaps, as this feeling interferes with our peace of mind, not to mention digestion, we go on deceiving ourselves, hoping, silently, piously, and intensely that some good may come of it after all. And possibly some good does come out of it. But

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[8] Chinese Recorder, 1899, p. 328.

alas for our self-respect, which totters on its foundations after some such experiences, and for our faith in human nature.

Whatever may be the cause for interference in native law-suits, no provision in the treaties can be construed as justifying such an act. The missionary is not the protector of his convert, even when the latter is being persecuted on account of his connection with the Christian church. Morally, of course, he may protect his threatened convert from all personal violence. Article XIV of the American Treaty of 1903 expressly provides that " Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects." In case a complaint as to alleged acts of persecution directed against his convert or of infringement upon his own legal rights, the foreign missionary may lay the facts before his consul or other constituted authorities, who will take up the matter with the local authorities; and, if there is no satisfactory redress, the consul may forward the case to his minister at Peiping, who will settle directly with the Chinese Central Government. Like aliens of other callings, missionaries have no legal right to direct access to Chinese officials of any grade.

This principle of inaccessibility of missionaries to Chinese officials is clearly set forth in the treaties. For example, Article XXIV of the American Treaty of 1844 reads:[9, 10]

[9, 10] Maritime Customs, I, 686.

> If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their consul or other officer to determine if the language be proper and respectful, and the matter just and right; in which event he (the consul) shall transmit the same to the appropriate authorities for their consideration and action in the premises.

Similar articles are found in the French, Italian, Portuguese, Spanish and other treaties.

This state of affairs, that is, inaccessibility to the local authorities, says Dr. G. Nye Steiger, was inconvenient for the missionary, as it often meant weeks of unnecessary delay in settling questions which could have been promptly settled on the spot.[11] In this connection we will do well to find out the attitudes of foreign powers about this matter. As already noted, the American Government takes no cognizance of the character of callings of its citizens and every American is on the same legal footing. In his circular letter dated August 31, 1903, addressed to the British consuls in China, expressing the attitude of the British Government, Sir E. Satow said:[12]

> Cases have come to my notice in which missionaries have addressed themselves directly to Chinese officials, either verbally or in writing, on behalf of their Chinese converts, instead of acting through the proper channel, which is one of His Majesty's Consuls or the head of His Majesty's Legation.

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[11] G. Nye Steiger, China's Attempt to Absorb Christianity, p. 234.

[12] Hertslet, II, 1191-1192.

Such intervention, I presume, would be defended on the ground that some action has been taken in regard to the convert which is in violation of Article VIII of the Treaty of Tientsin.

It is necessary, however, to point out that missionaries are not accredited agents of the British government for the enforcement of the Treaty, and Article VIII was not intended to confer upon missionaries any right of intervention on behalf of native Christians.

I do not see any objection to a missionary addressing the local Chinese authorities directly on any matter affecting himself personally, such as, for instance, a robbery that has been committed at his house, or any similar private affair.

If, however, a missionary has to complain on behalf of himself that his teaching is interfered with, or that a Chinese preacher or convert has been interfered with or persecuted, his proper course is to lay the facts before the Consul of the district in which he resides, who after due examinations will make such representation to the Chinese authorities as the case may require.

His Majesty's consuls are not authorized to delegate their duties in this respect to missionaries.

I have reason to know that this view is shared by the managing bodies of British Protestant Missionary Societies who carry on mission work in China, and I understand that it is accepted and acted on by most of the missionary bodies in China.

The fact that a missionary or the convert on whose behalf a complaint is made resides at a distance from one of His Majesty's Consuls is not sufficient reason for the missionary taking upon himself the duty of the Consul, and his intervention could only be justified when there was imminent danger of an extreme character threatening the safety of converts.

The German Government maintained the same policy. Thus, in 1906, when a German missionary in Canton held direct communication with the district magistrate concerning an acquisition of property, the German consul intervened and requested the Viceroy to stop the proceedings of the magistrate on the ground that the proper course for the missionary of his country to pursue in missionary matters was to lay the facts before the consul who would communicate the same to the Chinese officials.[13] So far as the knowledge of the writer extends, the only government that allowed its missionaries to deal directly with the Chinese officials seems to have been the French Government. As a matter of general policy the French Government has left trifling missionary matters in the hands of its missionaries.

The Chinese Government did not countenance the acts of interference in Chinese lawsuits and did not recognize that missionaries had any official rank. In fact, the Chinese Government takes no cognizance of the different callings of aliens. Since the establishment of the Republic, the Chinese Government has seldom demanded that the foreign missionary observe strictly the principle of inaccessibility. He is often allowed the privilege of personal visits. It is clear, however, that he cannot demand it as a legal right, and, when it is granted, he should observe the customary ceremonies. His correspondence to a Chinese local authority must be written in the form of a petition, not as a despatch. Thus, in 1871, the Tsungli Yamen, in one of the proposed rules for the regulation of missionaries in the interior, stated:[14]

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[13] Koo, op. cit., p. 311.

> The missionaries ought to observe Chinese customs, and to deviate from them in no respect; for instance, they ought not to make use of seals, the use of which is reserved for functionaries alone. It is not allowed them to send despatches to a Yamen, whatever may be their importance. If, however, for an urgent matter it should be absolutely necessary to write, they may do it; but taking good care not to speak of matters beyond the subject, and use, like people belonging to the class of literates, the ning-tieh (petition). When the missionaries visit a great mandarin, they must observe the same ceremonies as those exacted from the literates; if they visit a mandarin of inferior rank they must also conform to the customary ceremonies. They must not unceremoniously go into the Yamens and bring disorder and confusion into the affair.

In the Circular of 1878 the Tsungli Yamen asserted:[15]

> Over and above the four points commented on, there is the missionary question. China, recognizing that the object of all religious systems is to teach men to do good, has, by treaty, assented to missionaries coming to teach their doctrines in China, and has also guaranteed protection to them and to their converts. But among the missionaries are some who, exalting the importance of their office, arrogate to themselves an official status, and interfere so far as to transact business that ought properly to be dealt with by the Chinese local authorities; while among their converts are some who look upon their being Christians as protecting them from the consequences

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[14] Ibid., p. 312.

[15] Quoted by Willoughby, op. cit., II, 716.

> of breaking the laws of their own country, and refuse to observe the rules which are binding on their neighbors. This state of things China cannot tolerate or submit to. Under the extraterritoriality clause foreigners are to be dealt with by their own national authorities, but as regards Chinese subjects on Chinese soils, it is only the Chinese authorities who can deal with them, and Chinese subjects, whether Christian or not, to be accounted good subjects, must render an exact obedience to the laws of China. If any offend against these laws, they must, one and all, Christians or not Christians, alike, submit to be dealt with by their own authorities, and the foreign missionaries cannot be permitted to usurp the right of shielding them from the consequences of their acts.

Notwithstanding the declared policies of foreign powers and the persistent complaints of the Chinese Government, missionaries continued, until recently, the illegal practice. As is pointed out in another chapter, this interference with the jurisdiction of the Chinese authorities in connection with the assumption of official titles constituted a grievous offence to the Chinese authorities and the Chinese people.

On March 15, 1899, the Tsungli Yamen, with reference to official intercourse between Chinese local officials and Roman Catholic missionaries, sent the following memorial to the throne:[16]

> China has long ago given her consent to the establishment of mission stations of the Roman Catholic religion in the

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[16] Hertslet, II, 1154-1156; The French version of this memorial is found in H. Cordier, Histoire des Relations de la Chine avec les Puissances Occidentales, III, 469; also in Pinon, La Chine qui S'ouvre, pp. 296-298.

various provinces. With the desire of maintaining peaceful relations between ordinary Chinese subjects and the converts, and of facilitating protective measures, the following proposals as to the reception of missionaries by local officials are submitted:

1. To define the various ranks of missionaries.

Bishops rank with the Governor-General and Governors. They may ask for interviews with these officers. If a Bishop returns to his country or vacates his post on account of sickness, the priest who acts for him can also ask for interviews with the Governor-General and Governor.

Provicars and Head Priests can ask for interviews with Treasurers, Judges, and Taotais. Other priests can ask for interviews with Prefects and Magistrates.

The Chinese officials of all ranks above mentioned will return the courtesy in accordance with the rank of the priest.

2. Bishops must furnish the provincial authorities with a list giving the names of the priests deputed to transact international business with the Chinese officials, and of the places where missions are established, so that the provincial authorities can instruct their subordinates to treat with such priests according to these regulations.

All these priests who ask for interviews, and these specially deputed to transact such business, must be Westerners, but in cases in which the Western priest cannot speak Chinese, a Chinese priest may interpret.

3. In cases in which the Bishop lives away from the provincial capital, he need not naturally go to the said capital to ask for an interview with the Governor-General or Governor without cause. On occasions of a change of Governors or Bishops, or of New Year's congratulations, the Bishop may write to the provincial authorities or send his card as a matter of courtesy, and the provincial authorities will reciprocate.

In cases of change of priests, the newcomer must have a letter from the Bishop, before he can ask for interviews with the Chinese officials as above.

4. In grave cases connected with the mission, Bishops and priests must request the Minister of the nation specially intrusted by the Pope with the protection of the Roman Catholic missionaries or the Consul of that nation to arrange the affairs with the Tsungli Yamen or the local officials. They may also discuss and arrange the matter in the first instance with the local officials, so as to avoid complications. The local officials, when applied to in such cases, must at once discuss and arrange the affair in an equitable and friendly manner.

5. The local officials must, as occasion arises, exhort and constrain the ordinary Chinese to look upon the converts as comrades, and not to pick quarrels with them.

The Bishops and priests on their side must instruct their converts to lead blameless lives, and so preserve the good name of the religion and the respect and goodwill of the non-converts.

Should lawsuits arise between converts and others, the local authorities must decide the same with impartiality. The priests must not interfere or favor their people. Thus is may be hoped that converts and people will live together on friendly terms.

The same day the Imperial assent was given and accordingly an edict was promulgated to that effect.

There is little room for doubt that this decree introduced a dynamic element into the missionary movement. The decree granted to Catholic missionaries the privilege of personal visits to the Chinese local officials, but nothing therein could be construed as granting them Chinese official status. As already noted, the privilege of personal visit of the local officials is not stipulated in the treaties. This decree, therefore, legalized and regulated what had been illegally practiced by the missionaries. On the other hand, the decree imposed upon the Catholic missionaries the duty of exhorting their converts to devote themselves to well-doing and it enjoined the missionaries not to interfere in native lawsuits.

A question presents itself: What had prompted the Chinese Government to make such a move? According to Dr. Steiger, the drawing up of the memorial was preceded by long negotiations between Bishop Favier and members of the Tsungli Yamen. These negotiations were, however, merely for the adjustment of details and for dealing "with such points as the proper correlation between official and ecclesiastical rank and the provisions necessary for the nominal recognition of the French protectorate." Dr. Steiger continues:[17]

> The decree itself was of Chinese origin, and constituted a deliberate attempt on the part of the Imperial Government to eliminate the evils which ensued from the intimate relationship between Christian missions and the diplomacy of the various Treaty Powers.
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> . . . . Indeed the strongest evidence as to the indigenous origin of the decree is to be found in contemporary events in China; to which the Bishop (Bishop Favier) merely supplies useful corroboration.
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> . . . . The strongest evidence as to the Chinese origin of the decree is, however, to be found in the essential harmony between this and other measures which were, at the same moment, being adopted by the Empress Dowager. Following her coup d'etat of the preceding September, the policy of Tzu Hsi had been one of "conservative reform"; the centralization policy

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[17] Steiger, op. cit., pp. 222-224.

> of the "radicals" was abandoned, and efforts were made to strengthen China's powers of resistance by restoring to the provincial authorities their full measures of autonomy and responsibility. The first evidence of this was shown in connection with military preparations . . . . and an effort was made to transfer to the provincial capitals many of the diplomatic questions which were causing constant embarrassment at Peking.

The decree of March 15, 1899, applied only to Roman Catholic missionaries. In order that such privilege might be extended to include Protestant missionaries, it was necessary to secure the consent of the Chinese Imperial Government, for it was an Imperial favor, not a treaty right. Protestant missionaries could not simply invoke the principle of the most-favored-nation treatment. In fact, the principle was not applicable in this case, for the decree did not specify that the privilege was granted to French missionaries alone; it included all Catholic missionaries of all nationalities.

On August 19, 1899, a resolution was adopted by the Missionary Conference at Peitaiho in the following words:[18]

> At a Conference of Missionaries in session at Peitaiho on August 19th, it was resolved:
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> That this conference, composed of 80 members of various missions in North China, without any desire for official rank, but only with the aim of placing all churches on an equal basis, respectfully requests the British and American Ministers to secure for Protestant Missionaries the same privileges of inter-

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[18] Ibid., p. 238.

course with Chinese officials, for the adjustment of church troubles, as have recently been granted to the Roman Catholics by Imperial Edict.

In a letter appearing in the columns of the *North China Herald,* the Rev. W. E. Soothill argued that, inasmuch as missionaries occasionally directly approached the Chinese local authorities, there would be less danger of setting up an *imperium in imperio* if the privileges would be extended to the Protestants. The argument of Soothill was supported by a letter from Hankow, signed J. A., which appeared also in the *North China Herald.* However, such expressions were rare. The majority of Protestant missionaries in China were opposed to any grant from the Imperial Government. Their attitude is well worded by G. Nye Steiger:[19]

> Satisfied with the practice which had grown up in violation of express treaty stipulation, and which they now claimed as a right, the Protestant missionaries were opposed to demanding, or even accepting, from the Imperial Government any official recognition or status which might complicate the performance of their spiritual duties.
>
> . . . . the essential objection was not to the assumption of political functions, as such, but to the assumption of a status which will put any degree of responsibility to the authorities of the Chinese state, or which might prove to be an opening wedge to separate them from their own national authorities.

The American minister to China, Mr. Conger, and his government did not object to the demand for similar privileges for the Protestant missionaries, but, since the majority of American Protestant missionaries in China did not ask for them, no action was taken with the Chinese Government. Guided by their missionaries in China the British Government took the same position. The following letter to the British representative in China from Lord Salisbury indicated clearly the position of the British Government.[20]

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[19] Ibid., pp. 240, 242.

FOREIGN OFFICE, 27 February, 1900.

SIR:

I referred to the Archbishop of Canterbury, for His Grace's observations, Mr. Bas-Ironside's despatches no. 306 of the 30th, and 317 of the 31st of October, on the question of claiming, for those Protestant missionaries in China who are British subjects, privileges similar to those recently granted, by an Imperial Edict, to members of the Roman Catholic hierarchy in that country.

His Grace approves the conclusion arrived at in regard to this question by the Anglican Bishops in China, as stated in the resolution inclosed in Mr. Bax-Ironside's despatch no. 317, and considers that both as a matter of principle and of policy it is undesirable that Protestant missionaries in China should claim the privileges referred to.

Her Majesty's Government concur in the opinion expressed by the Archbishop and you should take no further action with a view to obtaining for British Protestant missionaries in China the privileges conferred on the Roman Catholic clergy by the Imperial Edict.

I am, etc.,

SALISBURY.

The arrangement worked very unsatisfactorily. The privileges accorded to Catholic missionaries were frequently abused and the original purposes were far from being attained. Finally, in 1908, the Waiwu Pu, Chinese Foreign Office, memorialized the throne proposing an amendment to the regulations. The memorial read:

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[20] Ibid., p. 245.

> A memorial was presented by the former Tsung Li Yamen, enclosing five articles on the subject of intercourse between the local officials and missionaries, which was approved by an imperial rescript, dated Kuang Hsu, 25th Year, 2nd Month, 5th day (March 16, 1899).
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> We would note that in the memorial it is stated that when the Archbishops or Bishops apply for an interview with the Viceroys, Governors, Provincial Judges, Taotais, Prefects, or District Magistrates, the said officials will treat with them according to their respective ranks.
>
> At the time the memorial was presented the Tsung Li Yamen hoped that the procedure which they drew up to govern intercourse between the local officials and missionaries would be of benefit to the church. But the Bishops and others who are preaching the Gospel in China cannot be said to have official rank, and they certainly cannot hold the same rank as Viceroys, Governors, and other officials.
>
> Of late the practice of the local officials, based on treaty, in their relations with the missionaries, does not agree with the conditions which were prevalent at the time the last regulations were drawn up. Furthermore, since the regulations in question were put into effect, the missionaries and others have constantly made use of the ceremonial customs and insignia of the local officials, thereby causing misunderstandings among the people. Such was certainly not the original intent of the regulations, and it is urgently necessary to draw up a procedure more in accord with present conditions.
>
> We accordingly petition the Throne to cancel the memorial of the Tsung Li Yamen. In future the intercourse between

the local officials and the missionaries should be carried on as before, in accordance with the treaties.

When the Throne has approved this memorial, this board will communicate with the different provinces that they may issue instructions to have the memorial observed.

Reverently submitted to their Majesties, the Empress Dowager and the Emperor.

RESCRIPT: Approved.

Kung Hsu, 34th Year, 2nd Month, 10th day (March 12, 1908).[21]

POLITICAL INFLUENCE OF MISSIONARIES

Thus far we have shown that missionaries cannot assume official status and cannot legally interfere in law suits; the problem of political influence of missionaries remains to be considered. Although the primary aim of Christian missionaries in China, as elsewhere, is evangelisation, they have somehow exerted a considerable influence, good and bad, in the relations of China with the other powers. The opportunity to exert this influence has been due to the fact that missionaries have sometimes been employed as interpreters or advisers or in other capacities and have had frequent unofficial contacts with officials or representatives of their own government and with Chinese officials. To the first category we now turn our attention.

The Nestorian missionaries and early Catholic missionaries in China held government positions during the Mongol and Manchu dynasties respectively. There can be, however, no correct estimate of their political influence, which is believed to have been very insignificant.[22] But we must not lose sight of the services of two French missionaries, Fathers Gerbillon and Pereira, who acted as interpreters and advisers in the difficult negotiation of the peace treaty of Nerchinsk between China and Russia in 1689. The success of the negotiation was attributed to these missionaries. Prince Sosan, the principal negotiator of China, heartily praised them; and, through his efforts, an Imperial Edict was promulgated in 1692 granting toleration to Christianity.[23] In like manner, Father Ripa, who had been in the Imperial service, rendered invaluable services as the interpreter in the negotiation of 1727 between the Chinese authorities and the Russian ambassador.

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[21] MacMurray, op. cit., p. 717.

To the student of the history of Chinese diplomacy it is a well-known fact that the Protestant missionaries played an indispensable rôle during the first years of formal intercourse between China and foreign powers. This was due to the fact that they were then the only aliens in the Chinese Empire who had some knowledge of the Chinese language. They, therefore, acted as interpreters and advisers to representatives of their governments. In the words of Dr. T. Dennett: " It was these men rather than their titular superiors who, in most cases, had the actual contacts with the Chinese officials." [24] In 1858, William B. Reed, then the American minister to China, in his dispatch to Secretary of State Cass, wrote:

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[22] Huc, III, 158-159.

[23] The offices held by missionaries were rather scientific in character than political. In isolated cases they might hold political positions.

> . . . . I am bound to say further that the studies of the missionary and those connected with the missionary cause are essential to the interests of our country. Without them as interpreters the public business could not be transacted. I could not but for them have advanced one step in the discharge of my duties here, or read, or written, or understood one word of correspondence, or treaty stipulations. With them there has been no difficulty or embarrassments.[25]

In the following pages I shall furnish brief accounts of the missionaries who thus offered their services to their respective governments and to the Chinese Government.

The first Protestant missionary who had influence in the relations of China with western powers was undoubtedly the Rev. Dr. Robert Morrison. He not only acted as interpreter and adviser of the British East India Company, but also was at the service of aliens of other nationalities in Canton. In the negotiations with the Chinese authorities in Canton over the British and American strife in the river, he acted as interpreter and secretary. In the second British Embassy to the Chinese Court in 1816, he was appointed official interpreter and trusted adviser. His service in that capacity was indeed indispensable. Thus, in a letter to Dr. Morrison, Mr. Elphinstone, the president of the East India Company, said: "I conclude you will be the principal person on the mission."[26] Upon the dissolution of the company, in April, 1834, Lord Napier, Superintendent of the British Trade, appointed Morrison secretary and interpreter in the new commission, which position he did not hesitate to accept. Thus, in a letter home, he wrote:

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[24] T. Dennett, Americans in Eastern Asia, p. 556.

[25] Ibid.

> I am to be styled Chinese Secretary and Interpreter, and to have £1000 a year. I am to wear a vice-consul's coat, with King's buttons, when I can get one. His Lordship asked me whether I accepted the appointment or not. . . . . I told him at once that I did. Pray for me that I may be faithful to my blessed Saviour in the new place I have to occupy. It is rather an anomalous one for a missionary . . . . a vice-consul's uniform instead of a preaching gown.[27]

Before taking up his duties he died in August, 1834. Immediately upon the death of Dr. Morrison, the Rev. Mr. Charles Gutzlaff, a German missionary, took his place as interpreter and secretary. During the Opium War, especially at the time of the negotiation of the treaty of Nanking, Rev. Mr. Gutzlaff's service was arduous and important, though he received no distinctive reward from the British Government. Until his death he was employed by the British Government as Superintendent of Trade.

Now let us turn our attention to the influence of American missionaries on American policy. In the negotiation of the Treaty of Wanghia, the Rev. Dr. E. C. Bridgman, the first American missionary to China, was appointed a Chinese secretary, not only because of his knowledge of the Chinese language, but because he was a confidential friend of the Chinese. As an editor of the *Chinese Repository,* he also indirectly influenced the contents of the Treaty of Wanghia. In the words of Dr. Taylor Dennett:

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[26] Broomhall, Robert Morrison, p. 92.

[27] E. H. Hayes, Robert Morrison, p. 124.

> Indeed, a close comparison of the *Repository* with the Treaty of Wanghia shows that Caleb Cushing in his negogiations in 1844 was very greatly indebted to Bridgman, not merely for his work as interpreter but also as advisor. Several of the articles of the treaty appear to have grown directly out of discussions which had preceded them in the *Repository.*[28]

Dr. Bridgman was also deeply interested in the negotiation of the treaties of Tientsin, though he was not officially connected in any part of the negotiation. With the plenipotentiaries of the powers he was well acquainted and

> frequently enjoyed the satisfaction of doing them a favor in the way of translating official documents, if the secretary was absent. He took pleasure in inviting them socially to his house, and they were often glad to have his opinion as a man who understood the character of the Chinese, and bearing the great political movements of the day upon them in their intercourse with foreign powers.[29]

Dr. Peter Parker went to China in 1834 as a medical missionary under the auspices of the American Board of Commissioners for Foreign

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[28] Dennett, op. cit., p. 557.

[29] Life and Labors of E. C. Bridgman, p. 234.

Missions.[30] During the Opium War he was in Washington actively engaged in arousing and educating the American public opinion. He urged the President to extend the good offices of the American Government to mediate between China and England, and proposed to send a commissioner to China. But his proposal was met with indifference. His first connection with diplomatic service was in Cushing's mission as one of the interpreters. Because of his friendship with the Chinese, Article XVII of the Wanghia treaty was inserted at the suggestion of a Chinese subordinate commissioner, whose parents were the patients of Dr. Parker. After the departure of Cushing, Dr. Parker acted as official interpreter without salary. In 1845, he was named Chinese secretary and interpreter to the newly established legation at the head of which was A. H. Everett. From that time on until 1854 he acted as the American chargé d'affaires for several times.

In September, 1855, Dr. Parker was appointed commissioner under the new diplomatic law of March 1, 1855. His career as a diplomat then reached its climax. Before leaving for China, he was instructed to obtain from China three concessions, namely: (1) Residence for a diplomatic officer at Peking,[31] (2) Unlimited extension of trade, (3) The removal of every restriction to personal liberty.[32] Full of enthusiasm for securing the revision of the treaty, he attempted to employ every feasible means to secure it—by force if necessary. But the Imperial High Commissioner, Yeh, to whom was intrusted the dealings with foreign nations, considered the revision of treaties untimely and was very obstinate in his manners. Thereupon, Dr. Parker attempted to use high-handed methods. In a dispatch under date of December 12, 1856, he proposed to his government for the settlement of affairs of the treaty powers in China the following:

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[30] Stevens and Marwick, Life and Letters of Peter Parker.

[31] 35th Cong., 2d sess., S. Doc. No. 22, pp. 610 ff.

[32] Ibid., p. 1083.

> Were the three representatives of England, France, and America, on presenting themselves at the Peiho, in case of their not being welcomed to Peking, to say, the French flag will be hoisted in Corea, the English again at Chusan, and the United States in Formosa, and there remain till satisfaction for the past and a right understanding for the future be granted; but, being granted, these possessions shall instantly be restored, negotiation would no longer be obstructed, and the most advantageous and desirable results to all concerned secured.

In reply to this proposal, Secretary of State Marcy emphatically gave him to understand that the President did not believe " that our relations with China warrant the ' last resort ' you speak of, and if they did, the military and naval forces of the United States could only be used by the authority of Congress. The ' last resort ' means war, and the executive branch of this government is not the war-making power. . . . . For the protection and security of Americans in China and for the protection of their property, it may be expedient to increase our naval forces on the China station, but the President will not do it for aggressive purposes.''[33] Thus Dr. Parker's project of revising the treaty by force fell to the ground.

Although he failed in securing the revision of the American treaty, Dr. Parker was not discouraged. Belonging to the Perry school of aggression in the Orient, he longed to see the United States annex Formosa. In fact, he proposed an expedition to that island. Thus on February 12, 1857, he wrote to Secretary of State Marcy:[34]

> The subject of Formosa is becoming one of great interest to a number of our enterprising fellow-citizens, and deserves more consideration from the great commercial nations of the West than it has yet received; and it is much to be hoped that the government of the United States may not shrink from the action which the interests of humanity, civilization, navigation, and commerce impose upon it in relation to Tai-wan, particularly the southeastern portion of it, at present inhabited by savages, to whose depraved cruelties we have every reason to believe many Europeans, and among them our own friends and countrymen, have fallen victims.

To this proposal Dr. Parker never received an answer from the Secretary of State. Dr. Parker was succeeded by Mr. William B. Reed, who completed the revision of the American treaty.

Dr. Samuel Wells Williams went to China as a missionary printer. In Cushing's mission he acted as a Chinese correspondent. At the conclusion of the treaty of Wanghia, Cushing, in a letter praising his service very highly, wrote: " To which I add the expression of the great satisfaction that I have enjoyed in your society during our short association, and my high estimation of the service you have rendered the government, and indirectly the general cause of religion and civilization in China."[35] In 1855, he was appointed Secretary and Interpreter to the American Legation. This commission was made out before learning his consent and desires. He first heard of the appointment from Commodore Perry, in whose mission to Japan he had been the chief interpreter. Perry urged him to accept the post. In a letter dated June 28, 1855, Perry wrote:[36]

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[33] Quoted by Dennett, p. 290.

[34] Ibid., p. 286.

> I was yesterday at the room of Mr. Marcy, who made some inquiries about you, saying that it was contemplated to appoint you in the place of Doctor Parker. Of course I was not sparing in my praise of your character, standing, abilities, etc., and whilst reading to him your letter the President entered, and Mr. Marcy remarked that " Commodore Perry had fully endorsed Mr. Williams," and he thought it better make out the commission at once; I suppose you will receive it by mail which takes this. . . . .

Before the arrival of the American Commissioner, Dr. Parker, December 31, 1855, Dr. Williams acted as Secretary and Commissioner-in-Charge; and in October, 1857, Dr. Parker returned to America leaving the legation in charge of Dr. Williams until the arrival of Mr. Reed.

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[35] Life and Letters of S. W. Williams, p. 127.

[36] Ibid., p. 235.

The principal achievement of Dr. S. W. Williams was the incorporation of the toleration article into the American treaty of Tientsin. As already pointed out in the first chapter, this article brought a great change in the status of missionaries and of their converts and introduced a dynamic element into China's foreign relations. In order to know how this article was inserted in the treaty, we can do no better than quote *in extenso* from the words of Dr. Williams himself. In one of his letters he wrote:[37]

> The toleration of Christianity was not brought forward by the Chinese Commissioners in any shape, for it was a point upon which they were wholly ignorant as a religious question. The Russian Minister was the first to formulate an article on this subject, and in the discussion which ensued as to his draft of a treaty presented to the Chinese officials, they are said to have expressed their willingness to allow missionaries to travel through the country, inasmuch as these could usually speak the language; they opposed a like permission to merchants, who could not do so, and their ignorance was sure to breed trouble. These officials knew the Russian priests in Peking to be quiet, industrious men, and were doubtless willing enough to admit them to further privilege, but they could not express an opinion on the general toleration of Christianity for they knew practically nothing of its peculiar tenets.
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> The next day I got the Chinese text of this article and drew up a similar one for the U. S. treaty leaving out the proviso that "a certain number of missionaries" would be allowed, and inserting the names for Protestant and Roman Catholic churches, so as to bring the former distinctly before them as not the same as the Roman and Greek churches; it was other-

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[37] Ibid., pp. 270 ff.

wise different in phraseology but not in spirit. The night before the treaty was signed, a note was sent from the Chinese, rejecting the article altogether, on the ground that Protestant missionaries had their families with them, and must be restricted to open ports; the inference was therefore pretty plain that the novelty of foreign women travelling about the country had presented itself to their minds as an objection to allowing Americans to preach Christianity. As soon as I could do so I drew up another form of the same article, and started off next morning to lay it before the Imperial Commissioners. It was quite the same article as before, but they accepted it without any further discussion or alteration; however, the word "whoever" in my English version was altered by Mr. Reed to "any person, whether citizen of the U. S. or Chinese convert, who" . . . . because he wished every part of the treaty to refer to U. S. citizens, and cared not very much whether it had a toleration article or not. I did care, and was thankful to God that it was inserted.

It is the only treaty in existence which contains the royal law. I have always regarded the present article was better than the discarded one, that in the British treaty was abridged from it, and I understood at the time that it would not have been inserted if ours had not contained such a clause.[38] It must be said, moreover, that had the Chinese at all comprehended what was involved in these four toleration articles, they would never have signed one of them. In the *Chinese Repository* you will find a partial toleration of our religion by the Emperor Tao-kwang, but this was only a rescript and did not carry with it the weight of a treaty, and during the 14 years which had intervened since its promulgation it had pretty much lost its effect.

[38] British missionaries at Ningpo and Shanghai had addressed Lord Elgin on the subject of toleration before the treaty was drawn up. But the appeal was rejected.

I could never ascertain who had a hand in causing the rejection of my first form of the article, but think that it was someone connected with the French legation. The harsh and unjust criticisms of some persons on these articles in 1860 was only the beginning of the pulling and hauling they have since received; but it is much easier to find fault and overthrow than to improve and build up. Though Christianity does not depend upon treaties for its progress and power, these articles have proved to be a check upon the native officials, who have been taught therein not to destroy what they did not approve. I thank God that the Imperial Government was thereby bound not to become a persecuting government, as it has more than once since wished to be.

The importance of the toleration article justifies a further extract from his journal.[39]

About nine o'clock P. M. just as we had indulged in a triumph which I do not think was pardonable, a note came from the officials addressed to Martin and me, withdrawing the privilege in the most decided terms. The note was accompanied by the draft of an article in which American missionaries were restricted to open ports where they were to be placed under the semi-surveillance of the consuls and local authorities, while they preached religion; the toleration to professors was granted as before. A reply was returned that rather than allow such an article the American Minister preferred that the whole should be omitted . . . . a grievous disappointment to me to see the toleration of the truth likely to be utterly ignored in this treaty.

June 16th. . . . . I went to sleep last night with the impression that after such a reply from the Minister it would be in vain to urge a new draft, but after a restless sleep I woke to the idea of trying once more, this time saying nothing about foreign missionaries. The article was sketched as soon as I could write it and sent off by a messenger before breakfast; it was a last chance, and every hope went with it for success.

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[39] Life and Letters of S. W. Williams, pp. 272-273.

At half past nine an answer came. Permission for Christians's meeting for worship and the distribution of books was erased, while the words open ports were inserted in such a connection that it was rendered illegal for any one, native or otherwise, to profess Christianity anywhere else. The design was merely to restrict missionaries to the ports, but the effect would be detrimental in the highest degree to natives. I decided to go at once to see the Viscount and try to settle the question.

Chairs were called, whose bearers seemed to Martin and me an eternity in coming, but at last we reached the house where Captain Du Pont and his marines so unexpectedly turned up last Saturday. Our amendment was handed to Chang, who began to cavil at it, but he was promptly told that he must take it to the Commissioners for approval as it stood, since this was the form we were decided upon. Our labor and anxiety were all repaid and ended by his return in a few moments announcing Kweiliang's assent to the article as it now stands in the treaty. . . . . After coming so near to losing all of this out of our treaty and being dependent upon the English, French, and Russians, for such an important matter, I was joyful indeed at this conclusion. I think the Chinese rather expected to tire us out, and Mr. Reed was determined not to postpone the signing, even if the clause was wholly omitted. On returning to the house, therefore, I felt as though the day had not been wholly lost . . . . though the insertion of a provision of such a nature in a treaty is not likely to change the feelings of a heathen magistrate and neighbor in favor of a Christian prisoner.

Dr. Williams was instrumental in securing official quarters for the American Ministers at Peking, and his efficient executive discharge of his duties was an important service during those early years of ministerial residence at the Chinese capital.[40] In June, 1876, he tendered his letter of resignation to the Department of State, after having been Secretary and Interpreter to the Legation for more than 20 years, and several times American Chargé d'Affaires. In accepting his resignation, the State Department in a letter to him expressed its appreciation of his services to the government. It reads:[41]

> Above all the Christian world will not forget that to you more than to any other man is due the insertion in our treaty with China of the liberal provision for the toleration of the Christian religion.

The missionaries in Shanghai also addressed him in praise of his works. The letter, in part, is as follows:[42]

> The high official position which you have so long occupied as United States Secretary of Legation and Interpreter, and as several times U. S. Chargé d'Affaires, has given you many and important opportunities of turning your knowledge and experience to valuable account for the benefit of the Chinese, the good of your own country, and above all, for the advancement of the cause of Christianity in China. And we would express our grateful sense of the conscientious faithfulness with which you have discharged the duties of this responsible post.

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[40] Ibid., p. 364.
[41] Ibid., p. 412.
[42] Ibid., p. 419.

Another American missionary who rendered invaluable services to his government was the Rev. Dr. D. B. McCartee, who went to China as a medical missionary. When the armies of the Taiping Rebels captured Nanking, he accompanied Flag Officer Stribling, of the American Navy, on an expedition to treat with the rebels. It was primarily through his personal influence with the leaders that a guarantee was secured from the rebels whereby all Americans were protected against violence. He acted at one time or another as the American consul at Ningpo and other ports. Minister Burlingame proposed to the American government to engage him permanently in the consular services, but he declined the appointment.[43]

Not only did Dr. McCartee offer his services to his government, but he also acted as a Chinese official on several occasions. In 1872, he was sent by the Viceroy of Nanking together with the Chinese Judge of the Mixed Court at Shanghai to Japan to confer with the Japanese authorities for the return of 300 Chinese coolies who had been driven on the Peruvian vessel, *Maria Luz*, by a typhoon into the harbor of Yokohoma.[44] The negotiation turned out satisfactorily to the Chinese Government. Thus Dr. David Murray said: " This not only ended an infamous traffic which for some years had been going on with little check, but made the beginning of modern diplomatic relations between the two great neighboring empires that for centuries had continued in their proud isolation from each other no less than from the western world.''[45] In recognition of his invaluable service the Chinese authorities presented him with a gold medal and a complimentary letter.

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[43] U. S. Dip. Correspondence, 1865-1866, pt. 2, pp. 425, 435.

[44] R. E. Speer, Situation in China, pp. 217-218.

Dr. McCartee was also instrumental in establishing a Chinese Embassy in Japan, and was himself its foreign secretary and adviser for nearly three years, 1877-80.[46] Because of his knowledge of the two countries, he was able to place before General Grant, who was asked to arbitrate the respective claims of China and Japan to the possession of the Liu Chiu Islands, the necessary information.

> He had every qualification for such a post. He knew the languages, both spoken and written, of both countries. He had witnessed the new development of Japan, and was familiar with the supercilious views hitherto entertained by the older nation with regard to the movements of her ambitious neighbor. He was acquainted with all the questions which had arisen or were likely to arise between them. He possessed a long experience of persons dealing with high officials of both lands; and he had invariably won, and never lost, the exceptional confidence of these officers. He understood international usages, and forms of procedure.[47]

Besides the above-mentioned missionaries of the early days of China's formal relations with foreign powers, there have been numerous cases of the official employment of missionaries especially in connection with the settlement of anti-foreign riots. However, it should be borne in mind that the number of missionaries who accepted such temporary employment is small in comparison with the entire body of missionaries in China.

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[45] Ibid., p. 218.

[46] Ibid.; Missionary Review of the World, April, 1906.

[47] Speer, pp. 222-223.

Having considered the direct political influence of missionaries, we proceed to deal with the influence of missionaries exerted through their unofficial contact with the authorities of the Chinese Government. It is a well-known fact that many missionaries in China have maintained friendly relations with Chinese officials, who often ask them for advice. In 1839, Dr. E. R. Bridgman was invited by High Commissioner Lin to confer on the difficult opium question. In recent years such cases are rather numerous. The following examples may be mentioned by way of illustrations.

Dr. Timothy Richard, an English Baptist missionary, was connected with many prominent Chinese officials, including the prime minister in the reign of Emperor Kwang Hsu. Dr. Richard was a staunch advocate of reform for China. He wrote inspiring articles and published enlightening books exposing China to the Chinese in the light of its own and of world history. Soon after the Sino-Japanese War commenced, he translated MacKenzie's *History of the Nineteenth Century*. This work was widely circulated and influenced the minds of many Chinese and Manchus in favor of reform. He sent copies of the book to certain Viceroys. Having read the book, Viceroy Chang Chih Tung immediately sent for him to come to Nanking and Viceroy Li Hung Chang also telegraphed for him to come to Tientsin. Dr. Richard accepted Viceroy Chang's invitation. In his conversation with the viceroy, Dr. Richard proposed "that a single foreign Power should be invited for a term of years to settle all China's foreign affairs, to introduce reforms into the country, develop its resources, and then at the expiration of the term hand them back everything to China."[48] Although favorably disposed to a foreign alliance, the Viceroy was not in a position to present such a proposal to the throne. Dr. Richard also proposed the same scheme to Chang Yin-hwan, the first peace envoy to negotiate with Japan after the Sino-Japanese War. But nothing came from the proposition.

Dr. Richard was closely connected with the reformers. His influence on Kang Yu Wei, the great reformer, was considerable. In his memorial to the throne Kang presented his program of reform on the lines suggested by Richard's publications. While in Peking, Dr. Richard, along with Dr. Gilbert Reid and Mr. Pethick, frequently dined with the reformers and discussed ideas and methods of procedure. The gist of Dr. Richard's program of reform was that there were four vital requirements for China:

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[48] W. E. Soothill, Timothy Richard of China, p. 187.

educational reform, economic reform, internal and international peace, and spiritual regeneration. To carry out these measures he proposed:[49]

1. Two foreign advisers to the Throne.
2. A cabinet of eight ministers, one half of Manchus and Chinese, other half of foreign officials who would know about the progress of all the world.
3. Immediate reform of currency and the establishment of finance on a sound basis.
4. Immediate building of railways and the opening of mines and factories.
5. The establishment of a Board of Education to introduce modern schools and colleges throughout the Empire.
6. The establishment of an intelligent Press with experienced foreign journalists to assist Chinese editors for the enlightenment of the people.
7. The building of an adequate army and a navy for the country's defense.

Dr. Richard knew Dr. Sun Yat-Sen, the leader of the Kuomintang and the first president of the Republic of China. However, Dr. Richard did not advocate revolution as did Dr. Sun. His attitude is shown in a letter dated February 18, 1903, to a Chinese correspondent. It reads in part:[50]

> As to reform in China there are two views . . . . one revolutionary and one reformatory. I do not belong to the former as I have seen such terrible disasters arising from violent measures. But I do all I can in favor of shedding light on all problems of real interest to China. We are preparing books which we hope to publish within a year of progress.

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[49] Ibid., p. 220.

[50] Ibid., p. 100.

In 1901, Dr. Richard was invited by the Chinese plenipotentiaries, Prince Ch'ing and Viceroy Li Hung Chang, to go north to assist in the settlement of the Shansi troubles during the Boxer Uprising. He proposed that an indemnity of half a million taels be imposed on the province of Shansi, payment to be spread over 10 years, and that the money be devoted to the establishment of a university for the education in modern knowledge of the ablest youths of the province. The proposal was adopted and the establishment of the institution was entrusted to the hands of Dr. Richard. He was named the head of the university for 10 years, after which period the control was to be passed into the hands of the Shansi Government.

The next modern missionary in China who had some influence upon the Chinese public affairs was Bishop James W. Bashford, who went to China in 1904. He was particularly interested in the political questions of the Far East. According to Dr. George R. Grose, no foreigner has had greater influence in public affairs of China in the last 15 years than had Bishop Bashford. His counsel was frequently sought by many prominent Chinese officials. He knew Dr. Sun Yat-Sen, Admiral Tsai, the counselors of Yuan Shih Kai, and many other revolutionalists. He was instrumental in securing the recognition of the Chinese Republic by the American Government. He was opposed to any foreign aggressions in China and hoped for the continued integrity of the Chinese territory.

Upon hearing that Japan had imposed upon China the 21 demands in 1915, Bishop Bashford essayed to persuade the American Government to intervene. Thus, on March 12, 1915, he sent to the Secretary of State, William Jennings Bryan, a telegram which reads in part:[51]

> Rising to higher moral considerations, surely the United States is acting in the best interest of China in quietly but firmly protesting against her absorption in Japan; and China though weak today will be an exceedingly powerful factor before the century is half through. Hence, Chinese friendship will add immensely to the moral, financial, and political influence of the United States during the twentieth century. Gratitude exists among nations as well as among individuals; and the gratitude of this truly great people, numbering more than a fifth of the human race, may become priceless asset to us in the centuries to come.

On the same day he addressed President Wilson:[52]

> All we beg you to do is to notify the Japanese Government of your anxiety over her negotiations with China, of your expectation that she will not press by threats of force conditions upon China compromising her dignity as a nation or in any degree infringing upon her sovereignty, and assuring Japan in the most friendly spirit but with absolute frankness that any conditions extorted from China now in regard to exclusive control by Japan of all new railways, mines, and internal improvements in China and also demanding freedom of residence in parts of China without the surrender of extraterritoriality by the Japanese, and the joint control of Japan and China of the Chinese police in important places, must

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[51] George R. Grose, James W. Bashford, N. Y., 1922.

[52] Ibid., p. 153.

> seriously affect the trade and political relations of other nations with China, and in the very nature of the case must therefore come up for revision at the close of the present European War. In view of the fact that Japan and the United States are 5000 miles apart, and especially of Japan's heavy national debt, we do not believe that such firm but friendly note can possibly involve war between the two nations.
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> . . . . We feel that you sympathize with us, that you share our conviction that the Christian religion has a great mission among the millions of China, and that you will do your utmost to prevent at once an outrage upon China and bringing to naught of mission work in this land.

Moreover, Bishop Bashford advised the Chinese Government to refuse to accept the demands. He also urged the American minister to China, Dr. Paul Reinsch, to press upon Sir John Jordon, the British minister at Peking, the impossibility of Great Britain's going to war for Belgium and at the same time tolerating an outrage on China. Bishop Bashford was requested by the Chinese Government to represent it in the premises and to lay the complicated situation before the American Government, and was offered $10,000 for his expenses. But he declined to accept such a post. However, in the spring of 1915 he returned to America on mission affairs. Immediately upon his arrival he went to Washington and had an interview with the President and the Secretary of State with reference to the 21 demands of Japan. He also advised the Chinese minister at Washington to send a telegram back to his government urging it not to accept the demands since they were inimical to China's sovereignty.

Such missionaries as Dr. Richard and Bishop Bashford, who had at heart the welfare as well as the sovereignty of China, were rare. In general, the missionaries were seemingly indifferent in China's internal and external difficulties. However, the missionaries deplored the opium traffic carried on by the British. Thus, for instance, in 1857, in a conference of the Evangelical Alliance, the following resolution was passed: [53]

> That this conference cannot view the coincident disturbance of our relations with India and of those with China without regarding the odious opium traffic as an element in the proceedings of the British authorities, involving the nation in guilt, displeasing to Almighty God, and greatly impeding the progress of the Gospel; and would, therefore, urge on all Christians the importance of using every legitimate means to induce the Government of this country to discountenance the production of opium in India, and its sale in China for demoralizing purposes.

However, when the first and the second opium wars broke out, many of the missionaries were as anxious as were the opium smugglers to see the iron-gate of the Chinese Empire opened. They thought that at last their prayers were to be answered and they received the news of the burning of the Summer Palace with the cry, "God has opened China to Christianity." [54] During the Sino-Japanese War not a few of the American missionaries in China "frankly welcomed the impending collapse of the existing Manchu régime and some of them even acclaimed the victorious armies of the Mikado as 'the chosen instruments of Divine Providence.'"[55] When the Germans occupied Kiaochow under the pretext of the murder of two German missionaries in Shantung, the Protestant missionaries in the land "considered the Kaiser's actions to have been justifiable; Dr. H. D. Porter, of the American Board mission at Pang-chuang, Shantung, expressed, in a letter of May 30, 1898, his strong approval of Germany's procedure and his belief that the situation of all missionaries in Shantung would be much improved as a result."[56]

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[53] The Chinese Missionary Gleander, New series, III, London, 1858.

[54] Diplomatic Review, XIX, XXI, 176.

All this goes to show that as long as they were permitted to pursue their own course in China without any restriction, many missionaries were willing to sacrifice China's sovereignty and territorial integrity. Seldom did they come out openly as the champion of China. They said that their task was to lead the Chinese to the spiritual world, but as soon as they found themselves in trouble with the Chinese they lost no time in appealing to their governments for protection. As to the aspirations of the Chinese people, the missionaries were noncommittal in their expressions. Only within the last few years have they felt themselves constrained to voice a favorable attitude on the revision of the existing unilateral treaties. For the actions with reference to this point the reader is advised to read the appendix.

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[55] G. Nye Steiger, China and the Occident, pp. 49, 50.

[56] Ibid., p. 68.

THE TAIPING REBELLION AND THE MISSIONARIES

At the end of this chapter it is of interest to consider the relations between the Taiping Rebellion and the missionaries. The Taiping Rebellion, between 1851 and 1865, devastated the fairest half of China and brought the Manchu Dynasty to the brink of destruction. It is considered to have been the bloodiest civil war in human history. Its chief was Hung Siu Tsuen, a native of Kwangtung Province. Having failed in his third attempt at the civil service examination, Hung returned home in great depression of spirit. Soon afterwards, he sank into a delirious illness for more than a month, during which period he was constantly subject to cataleptic fits, and, in his delirium, he had visions of a more or less religious nature. He happened to read the tract given to him in 1833 by Liang Ah-fa, and seemed to find in it the explanation of his visions. Ruminating over the mysterious words, he then became convinced that he was appointed by God to overthrow the Manchu Dynasty with its religion and to establish a new order of things founded upon Christianity. He soon announced himself as the younger brother of Jesus Christ, and interpreted the phrase Kingdom of God to mean China.

Hung Siu Tsuen began by preaching and soon his earnestness won converts. After baptising them in the Christian form, as he understood it, he set up, in 1850, his banner inscribed "Taiping Tien Kwoh," meaning Heavenly Kingdom of the Great Peace. He was then ready for the insurrection. In the camp religious worship was kept up, the Sabbath was observed, the Scriptures were read and expounded, hymns and doxologies were sung in honor of God, and Hung's followers were exhorted to honor and obey God. The orders from Hung to his subordinates were issued in the form of divine revelations. Starting from Kwangsi the rebellion rapidly spread through South China and won over many provinces along the Yangtse Valley. On March 19, 1853, Nanking was captured and the rebels made it their capital. Thence the rebel forces advanced to the north.

The phenomenal success of the Taipings with its quasi-Christian character began to draw the attention of the world. Many of the Protestant missionaries hailed the movement with enthusiasm, and, through their reports, a strong public sentiment was created in England and America in favor of the Taipings. By many they were looked upon as a rising Christian power in the pagan East destined to become the providential agency in the conversion of Asia.[57] On the other hand, the Roman Catholic missionaries, whose influence in China was paramount, were always opposed to the Taipings, because of their practices and their Protestant doctrines. In the words of A. F. Lindley: "The Tartar-worshipping Jesuits are the most bitter enemies the Taipings have ever had, knowing, as they do, that the success of the latter would entirely destroy their work, and drive them from the many positions they hold throughout China. The Jesuits intrigued for their overthrow."[58]

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[57] W. J. Hail. Tseng Kuo-fan and the Tai-Ping Rebellion, N. Y., 1927, p. 365.

It is needless to say that the Taipings were tolerant toward the Christian missionaries. An edict of religious toleration was obtained by the Rev. Griffith John from the chief of the rebellion. Full permission was granted to missionaries of every persuasion to enter into and live in the insurgent territory, for the purpose of carrying on missionary work. The chief officers of the rebel forces were commanded to issue orders to all the insurgent brethren to treat the missionaries well. For instance, on the approach of the rebels to Ningpo, the native commander of one portion of the Taiping Army, General Fan, sent a communication to the foreign consuls. In part it read:[59]

> At present my great army has come to Chit-Kiang province; and it has been told to me that you, honorable countries (consuls) of Nangpo, have come to Yu-Yaou, and as I, the

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[58] Lin-le, Ti Ping Tien Kwoh, the History of the Taiping Revolution, I, 171.

[59] Diplomatic Correspondent, 37th Cong., 3d sess., I, 830.

> general, and always bearing in mind the good meaning of harmony, and not wishing to see the injury of each other, have to request that you would make this known to every officer and soldier of your respective nations, that when my army arrives at Ningpo my men will not be allowed to go abroad and to disturb the houses and properties of the people, nor allowed to hurt the life of any man of your respective nations. I, the general, will certainly give orders to my officers and soldiers the same; and should there be any of bad officers or soldiers who daringly cross over and make any disturbance, be good enough to take hold of such wicked men and hand over to me, where I, the general, will most undoubtedly cut off his head; and, supposing there should be any unlawful men of your honorable countries (consuls) would direct also such men to come back and not to help them at all, which act will show that we are in harmony, and our agreement will never be disregarded, and begging you to be assured in mind about this harmony. . . . .

Apart from some foreign adventurers, the foreign governments at first maintained a policy of strict neutrality. Thus says Morse:[60]

> Immediately after the fall of Nanking the English plenipotentiary, Sir G. Bonham, went himself to that city to investigate. He was the more inclined to take that step, since the Chinese authorities, who at Canton were taking it for granted that the foreign naval forces would rally to the support of the Imperial officials against the advance of the rebel armies; and, in fact, a formal request was, on March 15th, sent to each of three consuls at Shanghai, that their ships of war should at once be despatched to the relief of Nanking. Sir G. Bonham arrived on April 27th, and, as the result of his conferences with the ministers of the Taipings, and of his examination of

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[60] Morse, op. cit., I, 454.

their books, came to the conclusion that the rebels were much inclined to dilate upon their present creed; that, in its strict theory, their tenets were actually based on the ethical rules of Christianity, but so overlaid with anthropomorphism as to be quite transformed; that a nucleus of the soldiery appeared to hold these tenets in their entirety, but not the great mass of the troops; that a *de facto* government, capable of replacing that of the Manchus, did not appear to have been set up; and that the true policy for British Government to follow was one of strict neutrality between the contending forces, subject to the necessity of directly defending British interests when directly attacked. The American Commissioners, Mr. Marshall during the summer of 1853, and Mr. M. McLane in May, 1855, formed the same opinion, and so advised their government; the cabinet at Washington was indeed so much impressed by the lofty character of the movement as to have authorized Mr. McLane to recognize the Taipings as a *de facto* government, if on his arrival he found that the situation justified such a course; but in this, as in some other Chinese matters, the American Government was ill informed and ill-advised. The French envoy, M. de Bouroulon, visited Nanking in December, 1853, and was impressed by the order and discipline which prevailed, but he, too, advised government in favor of neutrality.

Later, the foreign governments changed their policy of strict neutrality into one of assisting the Manchus. Because of this A. F. Lindley in his book Ti-ping Tien Kwoh, the History of the Ti-ping Revolution, accused them of the blackest treason to their faith in finally taking sides with the Manchu government against the Christian rebels. Lindley does not, however, deny that there was imperfection in the religious beliefs and practices of the rebels, and he attributes these practices to the ignorance of the leaders. The Rev. Griffith John, Dr. J. J. Legge, and Dr. W. A. P. Martin, all eminent missionaries, deprecated the policy of intervention. The latter ascribed the policy of intervention to the influence of the French minister to China under the representations of Roman Catholic missionaries who were opposed to the Protestant form of religion professed by the rebels.[61] Because of foreign intervention and because of dissensions among the Taipings themselves, the rebellion was finally crushed by the "Ever Victorious Army," led by General Ward, and, after the death of the latter, by General Gordon.

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[61] Hail, op. cit., pp. 245, 246.

CHAPTER V

CONCLUSION

This ends the survey of the missionary movement in China. It is a movement which, prior to 1842, though undergoing a series of vicissitudes, did not constitute an international question; but which, since then, has become of engrossing importance in the relations of China with western powers. It is beyond doubt that, if the toleration articles had not been inserted in the treaties, the line of action of foreign powers toward China would have been different, and the diplomatic and indeed the whole history of China would have been different. As it is, in the name of Christianity, many foreign aggressions have been committed upon China. As the result of anti-missionary riots, China was compelled to pay exorbitant indemnities, and to relinquish a number of strategic points of territory. Moreover, the prestige of the state was seriously impaired, its sovereignty restricted, hundreds of officials, high and low, humiliated, and thousands of lives of Chinese sacrificed.

Although the modern missionary movement in China has existed for more than a century, there has been as yet little progress in evangelization. There are at present less than 3,000,000 Chinese nominally converted to Christianity. As compared with the whole population of the nation, the total number of Chinese Christians is insignificant. The obstacles to the progress of the movement are numerous and deep-seated. It is not, however, our purpose here to enumerate them, some of which are unique in China. Suffice it to say that the causes of conflict between the Chinese and the missionaries, as set forth in Chapter III, constitute the main obstacles. Hence, in order to carry on the movement in China it is imperative that these causes should be removed.

Christianity should adapt itself to local environments. Chinese religious faiths and worships should be respected and studied with an open mind, for, as already stated, insulting the religious convictions and customs of a people is calculated to provoke antagonism and even to incite tumult. The erstwhile pride of race on the part of missionaries should be eradicated, and they should abstain from sweeping assertions and exaggerated statements that the Chinese practice abominable sins, for such is not the truth. Care should be taken not to baptise any Chinese from unworthy motives, and, under no circumstances, should the missionaries assume official status or interfere in Chinese law suits, for such practice is clearly illegal and is a source of ill-feeling. Moreover, the missionaries should cultivate a spirit of friendliness towards the intelligensia so that misunderstanding on either side may be eliminated.

The " Shanghai Incident " of May 30, 1925, as already intimated, gave a tremendous impetus to the nationalist aspirations in China. Indeed, it stirred up the public feeling of the whole people, whose battle cry now is “ Nationalism.” Inasmuch as foreign imperialism has always been associated in the minds of the Chinese with Christianity, the incident stimulated the anti-Christian movement. The present movement therefore calls for a clarification of views of missionaries in regard to China’s aspirations. If they are real professed friends of China and her people, they should stand for the legitimate rights of the Chinese and should exert their influence to secure them. They should practice what they have hitherto preached to the Chinese people, that is, universal brotherhood and righteousness. Now is the time for action, and it must be carried out quickly. In the present crisis they may have suffered many inconveniences, but they should be wary of claiming the protection of their own government. If they cannot maintain their position in the country, they had better leave their stations and return to their own countries.

Besides being confronted with the spirit of nationalism in China, the missionaries at present are facing a great tide of rationalism. Everything is now under the strictest scrutiny and nothing is taken for granted. A materialistic philosophy has crept into the minds of the Chinese youth. Christianity is attacked as diametrically opposed to the teachings of modern sciences and as an outworn superstition. To meet this challenge missionaries and

Chinese Christians should discard the heritage of the medieval theological conceptions and cultivate respect for modern discoveries and inventions.

It is well known that the Christianity of today is radically different from the Christianity taught by the immediate disciples of Jesus Christ, in that, since its inception in Europe, the Asiatic religion has been Romanized and is replete with western dogmas. Whatever might have been the usefulness of these dogmas in the West, they certainly have lost their significance in China. It is to be borne in mind that, in the transplanting of plants and vegetables, one has to take into consideration the differences in climate, soil, and sundry other controlling elements. In planting Christianity in China the missionaries have often forgotten that the Chinese do not have the same historical background as their own. Thus, the various orders and denominations were duplicated in China in the same way as in the West.

The writer is of the opinion that until Christianity is stripped of its western elements and has become naturalized, so to speak, it cannot obtain a grip upon China. It is to be remembered that the reason why the early Franciscans failed to produce any permanent influence upon the Chinese was to a large extent because of the ultra-foreign character of their work. Hence, a truly Chinese church should be fostered and the Chinese Christians should be given administrative autonomy in church life. In this matter, however, some foreign missionaries are as shrewd as the diplomat. They say that the Chinese Christians are still unable to shoulder the responsibility and that as soon as they are able to do so the control of the church will be transferred to them. We know well from experience that it is the missionaries who are the sole judge of this time element. It seems that the reason why some missionaries are reluctant to transfer authority is not that the Chinese Christians are at present incapable of taking it over, but that the missionaries regard themselves as superior beings.

At present there is a conscious movement afoot, called " China for Christ." The Chinese Christian leaders have endeavored to build up a genuine Chinese church out of Chinese materials. In some provinces, especially in Kwangtung, the movement has gained strong support and has already established " the Chinese Christian Church." Home missionary activity is being carried on in the outlying territory of China. Moreover, a decided effort is made " to provide a vital Christian literature for the new day and to adapt to Christian needs some of the basic religious practices of China, as, for instance, ancestral worship, certain of the festival celebrations," with a view to making " Christianity become rooted in the soil and decreasingly regarded as a foreign introduction." With the evacuation of the missionaries from the interior, the Chinese Christians have been endowed with an unique opportunity to take over the control of their churches into their own hands.

Whatever might have been the advantages in having the toleration articles inserted in the treaties, a new day has dawned. In the revision of treaties these articles should, therefore, be altogether removed, and, henceforth, missionaries should not be endowed with special rights and privileges. It is to be remembered that to exercise religious tolerance is a sovereign right of a state, and that the treaty obligation not to persecute Christians deprives the Chinese government of this right. This fact alone makes the Chinese nationalists stigmatize the Christian religion as an alien religion and as a weapon of foreign imperialism. Religious freedom is now guaranteed by the Provisional Constitution and recognized by the Nationalist Government. There is every reason to believe that such a principle will never be ignored in the future by the government. As Dr. A. L. Warnshius puts it, " if the principle were ever questioned, I believe the Chinese people would contend for that universal right of religious liberty."[1]

Some missionaries have entertained the fear that, if the toleration articles are abolished, their persons and property will be at the mercy of the Chinese. Such fear, however, can be easily dispelled. It is to be borne in mind that China, as a member of the

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[1] American Relations with China, a report of the conference held at the Johns Hopkins University, September 17-20, 1925, p. 119.

Family of Nations, is obliged to provide equal protection to aliens residing within her borders and the right of appealing to diplomatic protection cannot be abolished or restricted by the Chinese government. It is, therefore, idle to say that, even though the extraterritorial rights are abolished along with the toleration articles, the persons and property of the missionaries, as well as of the other classes of aliens, will be protected by the Chinese Government as hitherto. If the treaties are revised on the basis of equality and reciprocity, it is unquestionable that the missionaries in common with aliens of other callings will have the right of residence in any part of China. But the right to propagate the Christian religion will be dependent upon the goodwill of the Chinese people and the laws of China.

The matter of property-holding in the country is very complicated. According to international practice, the right to acquire immovables, by purchase or descent, and to own and dispose of them, is generally denied to aliens unless such a right is stipulated in a treaty. In some states, however, the right is not altogether forbidden, but limited. In the future, the right of missionary societies to acquire property in China will, of course, depend upon the will of the Chinese Government, unless the right be expressly and reciprocally stipulated in the treaties. It is deemed advisable that properties which are now in the possession of the foreign missionary societies or boards, should be ultimately transferred to the Chinese Christians or to the Chinese Churches.

It is beyond doubt that, under the recent rapid fire of criticism, missionary education in China has lost much of its former prestige. In order to maintain its grip upon Chinese education, its objectives, thus far tenaciously held, should be discarded and new ones be adopted to suit the Chinese situation. Although the writer is convinced that missionary education has been, and still is, a vital contribution to the Chinese educational system, he is of the opinion that such contribution, whatever it may be, must be free from the suspicion of denationalizing or foreignizing tendencies. In other words, missionary education should be true education and not religious propaganda. Professor Hu Shih well expresses the sentiment of the bulk of the Chinese educators when he says:

> In asking that Christian education should give up religious propaganda, I mean that it should make the following changes:
>
> 1. There should be no required worship.
> 2. There should be no religious teaching in the curriculum.
> 3. Inducement should not be held out to children and their parents to become Christians.
> 4. The school should not be used as an agent for propaganda.
> 5. Scholarship alone should be the standard in the appointment of teachers. Teachers should not be required to be Christians.

6. Christian and non-Christian children should receive exactly the same treatment.

7. There should be freedom of thought, speech and belief.[2]

In conclusion, we may say that the direction to which the missionary movement in China will turn cannot be certainly predicted. As to the future of the missionary movement in China one can only speculate. It can be said, however, with assurance that it is inextricably linked up with the settlement of such outstanding problems as the abolition of extraterritoriality, the establishment of complete tariff autonomy, and the retrocession of foreign settlements and concessions. All signs point to the fact that the missionary movement has entered a new era. Never before has the movement faced such a complex situation. Now, probably for the first time, the " heathen " East in general, and China in particular, vigorously challenges the supremacy of Christendom. In this connection one must not forget the fact that it was Christendom that sought the East, and that, therefore, if the bridge, which is beginning to span the civilizations of East and West, now falls into a new and wider chasm, it will be because Christendom refuses to change its ways or its thinking.

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[2] *Education Review* of The China Christian Educational Association, July, 1925; Religious Education, Dec., 1925.

APPENDIX A

Toleration Articles in the Treaties

BELGIUM

Article XV of the treaty of November 2, 1865:

La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions Chrêtiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés et le libre exercise de leurs pratiques religieuses, et une protection efficace sera donnée aux missionaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports réguliers dont il est parlé dans l'Article X. Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout individu, en Chine, d'embrasser, s'il le veut, le Christianisme et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

DENMARK

Article XIII of the treaty of July 13, 1863:

Danish subjects who profess or teach the Christian religion shall be entitled to the protection of the Chinese authorities; nor shall any such persons, peaceably pursuing their calling, and not offending against the law, be persecuted or interferred with.

FRANCE

Article XIII of the treaty of Tientsin (1858):

La religion Chrétienne ayant pour object essential de porter les hommes à la vertu, les membres de toutes les communions

Chrétiennes, jouiront d'une entière sécurité pour leurs personnes, leurs propriétés et le libre exercice de leurs pratiques religieuses, et une protection efficace sera donnée aux missionaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports réguliers dont il est parlé dans l'Article huit. Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout insuivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

Tout ce qui a été précédemment écrit, proclamé ou publié en Chine par ordre du Gouvernement, contre le culte Chrétien, est complétement abrogé, et reste sans valeur dans toutes les provinces de l'Empire.

Article VI of the convention of Peking, October 25, 1860:

Conformément à l'édit empérial rendu le 20 Mars, 1846, par l'auguste Empereur Tao-Kouang, les établissements religieux et de bienfaisance qui ont été confisqués aux Chrétiens pendant les persécutions dont ils ont été les victimes, seront rendus à leurs propriétaires par l'entremise de son Excellence le Ministre de France en Chine, auguel le Gouvernement Impérial les fera délivrer avec les cimertiéres et les autres édifices qui en dépendaient.

The translation of the Chinese text of the above Article is as follows:

It shall be promulgated throughout the length and breadth of the land, in the terms of the Imperial Edict of the 20th February, 1846, that it is permitted to all people in all parts of China to propagate and practise the "teachings of the Lords of Heaven," to meet together for the preaching of the doctrine, to build churches and to worship; further, all such as indiscriminately arrest [Christians] shall be duly punished; and such churches, schools, cemeteries, lands, and buildings, as were owned on former occasions by persecuted Christians shall be paid for, and the money handed to the French Representative at Peking, for transmission to the Christians in the localities concerned. It is, in addition, permitted to French missionaries to rent and purchase land in all the Provinces, and to erect buildings thereon at pleasure.

GERMANY

Article X of the treaty of September 2, 1861:

Ceux qui suivent et enseignent la religion Chrétienne jouiront en Chine d'une pleine et entiére protection pour leurs personnes leurs propriétés et l'exercise de leur culte.

GREAT BRITAIN

Article VIII of the treaty of June 26, 1858:

The Christian religion, as professed by Protestants or Roman Catholics, inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching or professing it, therefore, shall alike be entitled to the protection of the Chinese authorities, nor shall any such, peaceably pursuing their calling, and not offending against the law, be persecuted or interferred with.

Article XIII of the treaty of September 5, 1902:

The missionary question in China being, in the opinion of the Chinese Government, one requiring careful consideration, so that, if possible, troubles such as have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a Commission be formed by China and the Treaty Powers interested.

ITALY

Article VIII of the treaty of October 26, 1866, (same as Article VIII of the Danish treaty of 1863 with the following addition):

Nessun impedimento sará posto dalle autoritá Chinese a che tale o tale subdito dell' Impero possa, se lo vuole, abbracciare la religione cristiana e seguirne pubblicamente i riti.

NETHERLAND

Article IV of the treaty of October 6, 1863:

Netherland Christian missionaries who are in the interior for the peaceful dissemination of the Christian religion shall be protected by the Chinese officials.

Natives who wish to embrace their doctrine must not be prevented or persecuted so long as they are not guilty of infringing the laws of the land.

PORTUGAL

Article LII of the treaty of December 1, 1887:

The Catholic religion has for its essential object the leading of men to virtue. Persons teaching it and professing it shall alike be entitled to efficacious protection from Chinese authorities; nor shall such persons, pursuing peaceably their calling and not offending against the laws, be persecuted or interfered with.

Article XVII of the unratified Treaty of Commerce, November 11, 1904:

The missionary question in China demands, in the opinion of the Chinese Government, careful consideration, so as to avert in the future the troubles which have occurred in the past. Portugal, as a nation especially interested in the protection of its Catholic missions in Chinese territory, agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a commission be formed by China and the Treaty Powers interested.

No person, whether Portuguese subject or Chinese convert, who, according to the tenets of Christianity, peaceably teaches or practises the principles of that religion, which aims at teaching men to do good, shall be persecuted or harrassed on account of their faith. But converts and non-converts, being alike subjects of China, shall conform to her laws, and shall pay due respect to those in authority, living together in peace and amity; and the fact of his being a convert shall protect no one from the consequences of any offence he may have committed before or after his admission into the church or exempt him from paying legal taxes levied on Chinese subjects generally, except taxes and contributions levied for the support of religious customs and practices contrary to his faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects, nor shall the native authorities make any distinction between converts and non-converts, but shall administer the law without partiality, so that both classes may live together in peace.

Portuguese missions shall be permitted to rent and lease in perpetuity, as the property of the mission, buildings or lands in all parts of the Empire for mission purposes and, after the title-deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

RUSSIA

Article VIII of the treaty of June, 1858:

Le Gouvernement Chinois syant reconnu que la doctrine Chrétienne facilite l'éstablissement de l'ordre et de la concorde entre les hommes, promet de no pas persécuter ses sujets Chrétiens pour l'exercice des devoirs de leur religion; ils jouiront de la protection accordée a tous ceux qui professent les autres croyances tolérées dans l'Empire.

Le Gouvernement Chinois considérant les missionaires Chrétiens comme des hommes de bien qui ne cherchent pas d'avantages matériels, leur permettra de propager le Christianisme parmi ses sujets, et ne leur empêchera pas de circuler dans l'intérieur de l'Empire.

SPAIN

Article VI of the treaty of October 10, 1864:

Inasmuch as the Christian religion inculcates the practice of virtue, and teaches men to do unto others as they would that others should do unto them, those persons who teach or profess it shall be entitled to the protection of the Chinese authorities, and shall neither be persecuted nor molested, so long as they prosecute their mission peacefully and do not contravene the laws.

SWEDEN

Article XII of the treaty of July 2, 1908:

"The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good and to do to others as they would have others to do to them. Those who quietly profess and teach these doctrines shall not be harrassed or persecuted on account of their faith. Any person, whether Swedish subject or Chinese convert, who, according to these tenets, peaceably teaches and practises the principles of Christianity shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China; and living together in peace and amity, shall pay due respect to those in authority. The fact of being a convert shall not protect a Chinese subject from the consequences of any offense he may have committed before or may commit after his admission into the church, or exempt him from paying legal taxes levied on Chinese subjects generally, except taxes and contributions levied for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality so that both classes may live together in peace.

Swedish missionary societies shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purpose, and, after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

UNITED STATES

Article XXIX of the treaty of June 18, 1858:

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter, those who quietly profess and teach these doctrines shall not be harrassed or persecuted on account of their faith. Any persons, whether citizens of the United States or Chinese converts, who, according to these tenets, peaceably teach and practise the principles of Christianity, shall in no case be interfered with or molested.

Article IV of the Burlingame Treaty of July 28, 1868:

Article XXIX of the Treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the U. S. and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

Article XIV of the treaty of October 8, 1903:

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good and to do to others as they would have others to do to them. Those who quietly profess and teach these doctrines shall not be harrassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity, shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before, or may commit after, their admission to the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality so that both classes can live together in peace.

Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings, or lands in all parts of the Empire, for missionary purposes, and, after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

APPENDIX B

Following are actions of some missionary societies and boards with reference to the abolition of extraterritoriality and the toleration clauses. For the actions of other missionary bodies the reader is referred to *China Christian Year Book,* 1926 *et seq.*

A MEETING OF MISSIONARY BOARDS AND SOCIETIES IN THE UNITED STATES AND CANADA, HELD IN NEW YORK, OCTOBER, 1925.

WHEREAS, We heartily sympathize with China in her aspirations for just, equal, and fraternal relations with other nations and in her sense of the present injustice of existing treaties; and

Whereas, We believe that the developments that have taken place in China in the course of the several decades necessitate the revision of the existing treaties between China and the other Powers; *therefore be in resolved*

1. With reference to the existing treaties: That we urge the early revision of the treaties . . . . with China in such a way as to give effective application to the following principles agreed upon in the treaty signed by nine Powers in Washington, on February 6, 1922, namely:

Article 1. The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the right of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states.

2. With reference to extra-jurisdiction:

a. That we express ourselves in favor of the abolition of extrality in China at an early date.

b. That we further express the opinion that the determination of that date and of the provisions that may be considered mutually desirable should be undertaken co-operatively on terms of equality by China and the other Powers.

3. With reference to the treaty provisions according special privileges to missions and missionaries.

a. That, when our respective governments negotiate the new treaties which are so urgently needed, we wish it to be understood that we do not desire any distinctive privileges for missions and missionaries imposed by treaty upon the Chinese Government and people.

b. That correlatively we consider it desirable that the Chinese Government by such legislation as may be deemed necessary define the rights and privileges of missionaries, in particular to acquire and hold property and to carry forward their work in China.

c. We also express our desire and judgment that the principle of religious liberty should be reciprocally recognized in all future relationships between China and other nations.

CONFERENCE OF MISSIONARY SOCIETIES IN GREAT BRITAIN AND IRELAND.

Resolutions passed by Standing Committee, October 9, 1925.

1. The Standing Committee, having considered the present situation in China, more particularly with reference to the existing treaties between Great Britain and China, and having had before it the report of an informal conference of representatives of missionary societies held on October 5th and 6th, and believing it to be advisable that the attitude of the missionary societies in these matters, in so far as they may find themselves in agreement with one another, should be made known to all concerned, resolves to forward to the missionary societies the following resolutions, Nos. 2 and 3, and to enquire whether they are prepared to associate themselves with a declaration in these terms.

2. The undernamed British Missionary Societies working in China wish to make it known that they do not desire that the legal rights of their missions and missionaries in China should in future rest upon existing treaties between Great Britain, and in particular upon the so-called toleration clauses in these treaties dealing specifically with missionary work, and they desire that their future legal rights and liberties should be those freely accorded to them by China as a Sovereign Power and mutually agreed upon in equal conference between China and other nations.

3. The undernamed British Missionary Societies note with satisfaction the announcement of His Majesty's Government of their readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China. So far as the interests of missions and missionaries are concerned they would welcome the abolition of the present articles relating to extra-territoriality, and the substitution for them of such provisions for the administration of justice and the protection of the life and property of British nationals as

may be mutually agreed upon in equal conference between China, Great Britain and other powers.

4. The Standing Committee appoint the following to be a Committee to obtain full information as to all that is involved for missionary interests in China, with due regard to the Chinese Christian point of view, and to consult with other bodies, so that at the right time the Societies may be able to present together in the appropriate way such considerations as they may desire to put forward. (Here is the list of names of societies).

Church of Scotland Foreign Missions Committee, Nov. 8, 1925.

The Convener reported that the Standing Committee of British Missionary Societies, at a meeting held in London on 9th October, unanimously agreed to submit the following resolutions to their constituent missionary societies, and to inquire whether they are prepared to associate themselves with a declaration in these terms:

1. The undernamed British Missionary Societies working in China wish to make it known that they do not desire that the legal rights of their missions and missionaries in China should in future rest upon existing treaties between Great Britain and China, and in particular upon the so-called toleration clauses in these treaties dealing specifically with missionary work, and they desire that their future legal rights and liberties should be those freely accorded to them by China as a Sovereign Power, and mutually agreed upon in equal conference between China and Great Britain.

2. The undernamed British Missionary Societies note with satisfaction the announcement of His Majesty's Government of their readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China. So far as the interests of missions and missionaries are con-

cerned, they would welcome the abolition of the present articles relating to extra-territoriality, and the substitution for them of such provisions for the administration of justice and the protection of the life and property of British nationals as may be mutually agreed upon in equal conference between China and Great Britain.

The Foreign Mission Committee approved of, and associated themselves with, the foregoing resolutions.

Church Missionary Society, Nov. 10, 1925.

1. That the object of the Church Missionary Society has ever been to preach the Gospel and to seek to bring spiritual and material benefits to the peoples of those lands wherein its representatives labor, and has always sought to carry on its work in co-operation with the governments and peoples of those lands, and it has never sought or desired special privileges for its missionaries.

2. That the Committee of the Church Missionary Society place on record their cordial acceptance of the principles agreed upon in the Treaty signed by the Nine Powers at Washington in February, 1922, relating to China, as specifically set forth in Article I of the Treaty. They welcome the announcements recently made by the Secretary of State for Foreign Affairs and by the Prime Minister in London and in Brighton.

3. That they note with satisfaction the announcement of His Majesty's Government of their readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China. So far as the interests of missions are concerned the Committee would welcome the abolition of the present articles relating to extraterritoriality and the substitution for them of such provisions for the administration of justice and the protection of life and property of British nationals as may be mutually agreed upon in equal conference between China and Great Britain.

4. That they wish it to be understood that they do not desire to retain any distinctive privileges for missions and missionaries which have been imposed by treaty upon the Chinese Government and people, and they desire that their future rights and liberties should be those freely accorded to them by China.

5. That they also desire to place on record their thanks for the assistance that the Society and its missionaries have ever received from His Majesty's Government and its representatives in China, representatives who have always shown themselves to be actuated with the utmost good-will towards China. The Committee likewise acknowledge the spirit of friendship and the good-will evinced by the officials and people of China to the Society, practical evidences of which are to be seen in every province of China in which the Society is at work.

6. That in conclusion they desire to express their humble thanks to God for His blessings on their labors in China in past years, and they reverently pray that Divine guidance may be given to British and Chinese negotiators to the end that the Gospel may be preached without let or hindrance and the principles of religious liberty fully recognized in China as in the British Commonwealth of Nations.

Presbyterian Church of England, Foreign Missions Executive Board, Nov. 17, 1925.

1. This Committee wishes it to be understood that it does not desire any distinctive privileges for its missions and missionaries resting upon the toleration clauses of existing treaties. It would welcome a free re-affirmation by the Chinese Government of the principle of religious liberty as already embodied in the Constitution of the Republic, and would desire that the future legal rights and liberties of missionaries to acquire and hold property for missionary purposes and

to carry forward their work in China should be those freely accorded to them by China as a Sovereign Power, and mutually agreed upon in equal conference between China and Great Britain.

2. The Committee notes with sincere satisfaction the announcement by His Majesty's Government of their readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China, and desires to state that so far as the interests of missions and missionaries are concerned it would welcome the abolition of the present articles relating to extraterritoriality at such time and under such conditions as His Majesty's Government may determine; and the substitution for them of such protection of the life and property of British nationals as may be mutually agreed upon in equal conference between China and Great Britain.

The preceding resolutions were agreed to by the Foreign Mission Committee of the United Free Church of Scotland on October 20, 1925, and were sent to the Manchuria Mission Council.

China Inland Mission, October 28, 1925.

The China Inland Mission has noted with satisfaction the announcement that steps are being taken toward a comprehensive reconsideration of the existing treaties between China, Great Britain and the other Powers. It will welcome all decisions which will help to remove present friction and misunderstandings.

As an international organization having home centres in Great Britain, North America, Australasia and the Continent of Europe, the China Inland Mission in London, without delay for consultation which would be necessary if a new declaration were to be made, is glad to re-affirm that from the Mission's foundation its principles and practice have been not to rely upon Government protection, not to make demands for rights or restitution, but rather to accept as a privilege what may be offered by its own and the Chinese Government, to avoid appeals to Consuls and Chinese officials, to show honor to all in authority whether Chinese or their own Government officials, as required by the Word of God, and to recognize practically that the weapons of its warfare are spiritual and moral and not carnal.

The China Inland Mission will therefore loyally welcome and accept such provisions for the administration of justice and the protection of life and property as may be mutually agreed upon in equal conference between China and Great Britain.

London Missionary Society, November 6, 1925.

The Directors of the London Missionary Society wish to make it known that they do not desire that the legal rights of their missions and missionaries in China should in future rest upon existing treaties between Great Britain and China, and in particular upon the so-called toleration clauses in these treaties dealing specifically with missionary work, and they desire that their future legal rights and liberties should be thost freely accorded to them by China as a Sovereign Power and mutually agreed upon in equal conference between China and other nations.

The Directors of the London Missionary Society note with satisfaction the announcement of His Majesty's Government of the readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China. So far as the interests of missions and missionaries are concerned they would welcome the abolition of the present articles relating to extraterritoriality, and the substitution for them of such protection of the life and property of British nationals as may be mutually agreed upon in equal Conference between China, Great Britain and other Powers.

Friends' Foreign Mission Association, November 7, 1925.

The Friends' Foreign Mission Association joins with other British Missionary Societies working in China in making known that they desire that their future legal rights and liberties should be those freely accorded to them by China as a Sovereign Power and mutually agreed upon in equal conference between China and other nations. They are not satisfied that the legal rights of their missions and missionaries in China should in future rest upon the existing treaties between Great Britain and China, and in particular upon the so-called toleration clauses in these treaties dealing specifically with missionary work.

The Friends' Foreign Mission Association joins with other British Missionary Societies in noting with satisfaction the announcement of His Majesty's Government of their readiness to join in steps towards a comprehensive revision of existing treaties between Great Britain and China. So far as the interests of missions and missionaries are concerned, they would welcome the abolition of the present articles relating to extraterritoriality, the substitution for them of such provision (for the administration of justice and the protection of the life and property of British nationals) as may be mutually agreed upon in equal conference between China and Great Britain.

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